

EXHIBIT 3

HOWARD SWANSON
MATTER OF COEYMANS MARINE TOWING, LLC

June 15, 2024
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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF VIRGINIA 3 Norfolk Division 4 In Admiralty 5 6 In the Matter of COEYMANS) 7 MARINE TOWING, LLC D/B/A) 8 CARVER MARINE TOWING as) 9 Owner and Operator of M/T) 10 Mackenzie Rose,) 11 (IMO No. 8968765) her cargo,) 12 engines, boilers, tackle,) 13 equipment, apparel, and) 14 appurtenances, etc., in rem,) 15 petitioning for Exoneration) 16 from or Limitation of) 17 Liability in allision with) 18 Norfolk and Portsmouth Belt) CIVIL ACTION FILE 19 Line Railroad Company Main) NO.: 2:24-cv-00490 20 Line Railroad Bridge) 21 occurring June 15, 2024 in) 22 and about the Elizabeth) 23 River, Virginia.) 24 25 26 DEPOSITION OF 27 HOWARD SWANSON 28 WEDNESDAY, JUNE 25, 2025 29 10:00 A.M. 30 CLYDE & CO US, LLP 31 271 17TH ST. NW, STE. 1720 32 ATLANTA, GA 30363</p>	<p>1 APPEARANCES OF COUNSEL (CONT.) 2 Counsel for Evanston Insurance Company, a/s/o 3 Norfolk and Portsmouth Belt Line Railroad Company: 4 5 (Appearance via Zoom) 6 ZACHARY M. JETT, Esq. 7 Butler Weihmuller Katz, et al 8 11525 North Community House Road 9 Suite 300 10 Charlotte, North Carolina 28277 11 (704) 543-2321 (Telephone) 12 (704) 543-2324 (Facsimile) 13 Zjett@butler.legal 14 15 Also Present: Cannon Moss 16 Elizabeth Jefferson, summer associate 17 18 * * * 19 20 21 22 23 24 25</p>
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<p>1 APPEARANCES OF COUNSEL: 2 3 Attorneys For Coeymans Marine Towing, LLC d/b/a 4 Carver Marine Towing: 5 MICHAEL J. ROMAN, Esq. 6 Clyde & Co US LLP 7 30 S. Wacker Drive, Ste. 2600 8 Chicago, IL 60606 9 Tel: (312) 635-6971 10 Fax: (312) 635-6950 11 Michael.roman@clydeco.us 12 Dawn.johnson@clydeco.us 13 14 Attorneys for Norfolk and Portsmouth Belt Line 15 Railroad Company: 16 17 W. RYAN SNOW, Esq. 18 Crenshaw, Ware & Martin, P.L.C. 19 150 W. Main Street, Suite 1923 20 Norfolk, Virginia 23510 21 Telephone (757) 623-3000 22 Facsimile: (757) 623-5735 23 Jchapman@cwm-law.com 24 Wrsnow@cwm-law.com 25 26 Counsel for Evanston Insurance Company a/s/o 27 Norfolk and Portsmouth Belt Line Railroad Company: 28 (Appearance via Zoom) 29 KENNETH F. HARDT, Esq. 30 Sinnot, Nuckols & Logan, P.C. 31 13811 Village Mill Drive 32 Midlothian, Virginia 23114 33 Mnavavati@snllaw.com 34 Cjones@snllaw.com 35</p>	<p>1 INDEX TO EXAMINATION 2 Examination Page No. 3 By Mr. Roman..... 5 4 By Mr. Snow..... 168 5 By Mr. Roman..... 180 6 7 INDEX TO EXHIBITS 8 Exhibit No. Page No. 9 Swanson Exhibit 1..... 8 10 Subpoena for deposition 11 12 Swanson Exhibit 2..... 38 13 Email with attached proposal for 14 Belt Line RR vertical lift bridge 15 inspection 16 Swanson Exhibit 3..... 67 17 Elizabeth River bridge emergency 18 inspection report 19 Swanson Exhibit 4..... 82 20 Elizabeth River bridge contract plans 21 22 Swanson Exhibit 5..... 106 23 Request from Cannon Moss 24 Swanson Exhibit 6..... 116 25 H&H letter to Adam Reeder 8-1-24 26 27 Swanson Exhibit 7..... 137 28 Mechanical inspection report 29 Swanson Exhibit 8..... 157 30 Email with attached fee estimate 31 for depositions 32 Swanson Exhibit 9..... 162 33 Expert witness identification 34 35 * * *</p>

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<p style="text-align: right;">Page 5</p> <p>1 PROCEEDINGS</p> <p>2</p> <p>3 HOWARD SWANSON,</p> <p>4 being first duly sworn, was examined and testified</p> <p>5 as follows:</p> <p>6 EXAMINATION</p> <p>7 BY MR. ROMAN:</p> <p>8 Q. Good morning. Again, I'm Michael</p> <p>9 Roman, one of the attorneys who is representing</p> <p>10 the petitioner, Coeymans Marine Towing, LLC in</p> <p>11 this matter. I appreciate you coming down for</p> <p>12 the deposition.</p> <p>13 Can you please state your name?</p> <p>14 A. Howard Carl Swanson.</p> <p>15 Q. Have you ever been deposed before?</p> <p>16 A. Yes, sir.</p> <p>17 Q. How many times?</p> <p>18 A. Three times I believe.</p> <p>19 Q. What was your involvement in the</p> <p>20 lawsuits that you were deposed in?</p> <p>21 A. Let's see here. One time -- and</p> <p>22 these past three times were when I was working</p> <p>23 with Norfolk Southern. The first time I</p> <p>24 believe it was that there was a contractor's</p> <p>25 employee that got injured on a Norfolk Southern</p>	<p style="text-align: right;">Page 7</p> <p>1 that reworking of the riverfront ended up</p> <p>2 changing the channel of the river and caused</p> <p>3 settlement on the bridge foundations.</p> <p>4 Q. Okay. Sounds like two injury</p> <p>5 lawsuits and then one relating to the potential</p> <p>6 damage or -- that was done by the bridge</p> <p>7 installation. Fair enough?</p> <p>8 A. Well, the last one, it was the -- the</p> <p>9 bridge was there already. It wasn't -- there</p> <p>10 was damage to the bridge caused by changing of</p> <p>11 the river.</p> <p>12 Q. Right. In any of those three</p> <p>13 lawsuits were you designated by Norfolk</p> <p>14 Southern as an expert?</p> <p>15 A. No.</p> <p>16 Q. Okay. All right. Just to back up,</p> <p>17 I'm sure since you've been down this road</p> <p>18 before, you understand the ground rules. But</p> <p>19 just so we have a good clean record, when I'm</p> <p>20 asking questions if you just wait until I</p> <p>21 finish, and then when you're responding I'll</p> <p>22 try to return that same courtesy. That way we</p> <p>23 don't have crosstalk and Steve, the court</p> <p>24 reporter, can take down everything we say.</p> <p>25 Fair?</p>
<p style="text-align: right;">Page 6</p> <p>1 project. I was at that time assistant division</p> <p>2 engineer of bridges in Decatur, Illinois, and</p> <p>3 it was one of the repair projects we were</p> <p>4 doing. And it was a contractor's employee that</p> <p>5 got injured on the project and there was a</p> <p>6 question about if Norfolk Southern's flag</p> <p>7 person on the project properly guarded this</p> <p>8 employee from injury.</p> <p>9 Second time was a grade crossing incident</p> <p>10 where a contractor -- outside contractor doing</p> <p>11 a bridge replacement, an overhead bridge</p> <p>12 replacement or new bridge -- new overhead</p> <p>13 bridge had a cement truck, got hit by a train</p> <p>14 at a crossing. I really did not have any</p> <p>15 involvement in that project prior to that, but</p> <p>16 my name got in the email chain after the</p> <p>17 project about who knew what. And so I was</p> <p>18 deposed because of that.</p> <p>19 And the third project, when I was a -- I</p> <p>20 can't remember if it was when I was assistant</p> <p>21 chief engineer or assistant -- or engineer</p> <p>22 structures for northern region. There was a</p> <p>23 bridge in Columbus, Ohio over the Scioto River</p> <p>24 and the City of Columbus decided to rework</p> <p>25 their riverfront. And the -- it appeared that</p>	<p style="text-align: right;">Page 8</p> <p>1 A. That's fair.</p> <p>2 Q. All right. Second, it's not supposed</p> <p>3 to be a marathon contest. If you need a break</p> <p>4 at any time let me or Ryan know. Just ask that</p> <p>5 if there's a question pending that you answer</p> <p>6 the question and then we can take a break. Is</p> <p>7 that fair?</p> <p>8 A. Okay.</p> <p>9 Q. Then if I ask something -- I'm sure</p> <p>10 at some point I'll ask something that you don't</p> <p>11 understand, particularly we're going to be</p> <p>12 speaking a little bit your language today as an</p> <p>13 engineer. So if there's something that you</p> <p>14 don't understand or there's a certain</p> <p>15 vernacular that you might use and you're not</p> <p>16 sure what I'm asking, just let me know. I'll</p> <p>17 be happy to try to rephrase, but want to make</p> <p>18 sure you and I are on the same page as to what</p> <p>19 we're asking and what you're responding to. Is</p> <p>20 that fair?</p> <p>21 A. Works for me.</p> <p>22 Q. All right. Great. I just want to</p> <p>23 enter the dep notice as Exhibit 1.</p> <p>24 (Swanson Exhibit 1 marked</p> <p>25 for identification by the court reporter).</p>

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<p style="text-align: right;">Page 9</p> <p>1 BY MR. ROMAN:</p> <p>2 Q. And I apologize, called it a notice,</p> <p>3 but Ryan, it will be the subpoena itself. And</p> <p>4 Mr. Swanson, if you could take a look at what</p> <p>5 we've marked as Exhibit 1. Just let me know</p> <p>6 when you've had a chance to review it.</p> <p>7 A. (Witness reviews document).</p> <p>8 (Off-the-record discussion).</p> <p>9 THE WITNESS: Okay, I've reviewed</p> <p>10 it.</p> <p>11 BY MR. ROMAN:</p> <p>12 Q. And you recognize this document?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And could you describe it for me?</p> <p>15 A. It's a subpoena to testify at this</p> <p>16 deposition and production of some documents.</p> <p>17 Q. Okay. And if we go to that document</p> <p>18 request as Exhibit A to the subpoena, if you</p> <p>19 could flip there, please. Before we got on</p> <p>20 record you handed me a thumb drive.</p> <p>21 A. Yes, sir.</p> <p>22 Q. Is that correct? Is that thumb drive</p> <p>23 the response to the document requests here that</p> <p>24 we see on Exhibit 1?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">Page 11</p> <p>1 transit.</p> <p>2 Q. How long have you been with -- well,</p> <p>3 let me back up. If I call it Hardesty today,</p> <p>4 we're on the same page, we're talking about</p> <p>5 Hardesty & Hanover?</p> <p>6 A. Yeah, or H&H is fine.</p> <p>7 Q. H&H. How long have you been with</p> <p>8 H&H?</p> <p>9 A. Five years.</p> <p>10 Q. About 2019, somewhere in there?</p> <p>11 A. Yeah. Well, and it's two years prior</p> <p>12 to that I worked -- had my own engineering firm</p> <p>13 that worked exclusively for H&H. So --</p> <p>14 Q. What's the name of that engineering</p> <p>15 firm?</p> <p>16 A. HC Swanson Engineering, LLC.</p> <p>17 Q. And you had -- HC Swanson, LLC had</p> <p>18 some type of arrangement where it was working</p> <p>19 exclusively for H&H?</p> <p>20 A. Correct.</p> <p>21 Q. For the document gathering, did</p> <p>22 anyone from the Belt Line assist or consult in</p> <p>23 any way with your process for producing the</p> <p>24 documents?</p> <p>25 A. No, sir.</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. What did you do to gather</p> <p>2 those documents and information that's</p> <p>3 requested here?</p> <p>4 A. There are sort of three different</p> <p>5 areas I gathered documents in. Hardesty &</p> <p>6 Hanover for a project has a virtual drive</p> <p>7 for -- that contains all of our projects. I</p> <p>8 copied over the contents of that virtual drive.</p> <p>9 I do keep sort of working copies of</p> <p>10 documents for a project on my work computer. I</p> <p>11 copied over that file. And then I searched</p> <p>12 through my text messages, emails, and Teams</p> <p>13 messages, internal messages for this project,</p> <p>14 and tried to get all those that were related to</p> <p>15 this project.</p> <p>16 Q. Did anyone assist you in that</p> <p>17 process?</p> <p>18 A. No, sir.</p> <p>19 Q. Okay. You mentioned Hardesty &</p> <p>20 Hanover. Are you currently employed by</p> <p>21 Hardesty?</p> <p>22 A. Yes, sir.</p> <p>23 Q. And what is your current job title</p> <p>24 with Hardesty?</p> <p>25 A. Chief engineer, passenger rail and</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And that would be same with anyone</p> <p>2 from the Crenshaw, Mr. Snow's law firm? No one</p> <p>3 assisted you with that process?</p> <p>4 A. No, sir.</p> <p>5 Q. All right. Could you describe your</p> <p>6 educational history for me?</p> <p>7 A. Well, the -- after sort of standard</p> <p>8 high school, I attended Purdue University from</p> <p>9 1982 to 1986 and graduated with a bachelor of</p> <p>10 science in engineering. I have a master's in</p> <p>11 business administration from Emory University,</p> <p>12 and then there's been numerous continuing</p> <p>13 education since then.</p> <p>14 Q. I'm an Indiana Hoosier, so don't hold</p> <p>15 that against me today.</p> <p>16 Are you a licensed engineer?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. How many states are you</p> <p>19 licensed in?</p> <p>20 A. Excuse me. We keep this on our</p> <p>21 business card, so I can try and make sure I</p> <p>22 don't forget --</p> <p>23 Q. We like to have accuracy, sir.</p> <p>24 A. Yeah. (Reviews business card). 14</p> <p>25 states as a professional engineer.</p>

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<p>1 Q. Okay. When did you first obtain 2 licensure as an engineer? 3 A. I believe in 1993 in Georgia. 4 Q. Have you maintained that Georgia 5 license since '93? 6 A. Yes, sir. 7 Q. Have any of your licenses in any 8 states ever been revoked, put under suspension, 9 any type of disciplinary action? 10 A. No, sir. 11 Q. Are you a licensed engineer in the 12 state of Virginia? 13 A. Yes, sir. 14 Q. And when did you obtain that license? 15 A. It was in 2024. 16 Q. What is the process to obtain 17 licensure in Virginia? 18 A. It is a -- and hopefully I get the 19 right legal phrase, it's a comity process. 20 Basically I had to send in a request for 21 licensure and some background documents. And 22 there wasn't any specific requirements above 23 the licensing I already had. 24 Q. I think sometimes we might call that 25 reciprocity. Is it a situation where you were</p>	<p>1 generally referred to as the Main Line Bridge. 2 Just if I say Main Line Bridge or the MLB are 3 we on the same page that that's the one we're 4 talking about? 5 A. Yeah. 6 Q. Where did you work after graduating 7 Purdue with your -- I'm sorry, Emory after you 8 obtained your master's? 9 A. Well, I obtained my master's at 10 night, so I was working for Norfolk Southern. 11 I -- right after Purdue I hired on with Norfolk 12 Southern and originally was working as a 13 management trainee out of Bluefield, West 14 Virginia. 15 Q. How long were you in that management 16 trainee program? 17 A. Eight months I believe. 18 Q. What is involved in that management 19 trainee program? 20 A. I was a management trainee in the 21 bridges and structures department, so I 22 basically worked with the repair gangs that the 23 railroad had in the coal fields of West 24 Virginia, and somewhat supervised their work. 25 And it was just basically a training process to</p>
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<p>1 licensed in one state and Virginia sort of 2 honored that license as long as you put in the 3 proper paperwork? 4 A. It works out that way, but if 5 you -- and I'm not going to get anywhere close 6 to saying anything with legality on this, but 7 there's something in the laws that say 8 something that it's not reciprocity, it's 9 comity I believe. And I don't know for certain 10 what the specific legal definition for that is. 11 Q. Fair enough. Did you have to take 12 any type of exam or testing, anything like 13 that? 14 A. No, sir. 15 Q. All right. Did you obtain the 16 Virginia license specifically to do work 17 related to the bridge that we're here to talk 18 about? 19 A. Yes, sir. 20 Q. All right. Do you recall what month? 21 A. No, I don't recall exactly what 22 month. 23 Q. And we'll probably talk about a 24 couple of bridges today. But as I understand 25 it the bridge that was involved in the allision</p>	<p>1 sort of learn bridge work and how construction 2 work happened in the field. 3 Q. Where did you go next after 4 completing the management training program? 5 A. I was transferred here to Atlanta as 6 a assistant engineer of structures. 7 Q. And what are the duties and 8 responsibilities of that position? 9 A. It was designing repairs and 10 replacements for railroad bridges. 11 Q. Were you assigned to a specific area? 12 A. At that time I was assigned to the 13 eastern region, which included Virginia, North 14 Carolina, South Carolina, Georgia, little bit 15 of Florida. 16 Q. Did you have any projects in that 17 position where you were overseeing as the 18 engineer repair work to any of the Norfolk 19 Southern bridges? 20 A. Yeah, there were quite a few that I 21 had during that period. 22 Q. Were any of those bridges a lift 23 bridge similar to the one like the MLB bridge? 24 A. When I -- and for -- I was here in 25 Atlanta for 20 years. And so during that</p>

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<p style="text-align: right;">Page 17</p> <p>1 period I worked for -- in the eastern region, 2 western region and northern region. When I was 3 with the western region, had some repair work 4 to the drawbridge at Decatur, Alabama and 5 Jackson, Mississippi which are both vertical 6 lift bridges. 7 Northern region had I believe some repair 8 work to the Calumet River bridge just outside 9 of Chicago. You see it from the skyway. And 10 that's also a vertical lift bridge. 11 Q. How long were you in that position 12 for? 13 A. I was an assistant engineer for 20 14 years. 15 Q. Who did you -- well, when you first 16 started who were you reporting to? 17 A. Robert Hugh Hyder. 18 Q. What was Robert's title? 19 A. Engineer of structures. 20 Q. And that was for Norfolk Southern? 21 A. Yes. 22 Q. Was he your direct superior? 23 A. Yes, sir. 24 Q. Did you have anyone reporting 25 directly to you?</p>	<p style="text-align: right;">Page 19</p> <p>1 A. I was a assistant division engineer 2 of bridges on the Illinois division for a 3 little bit over five years. 4 Q. And when was that? 5 A. That was 2007 through 2013. 6 Q. Where were you located then? 7 A. Decatur, Illinois. 8 Q. And what's the difference between 9 assistant division engineer and just an 10 assistant engineer? 11 A. Assistant division engineer is 12 responsible for the maintenance of all the 13 bridges, the division that they are assigned 14 to. So when I was ADE out of -- or assistant 15 division engineer out of Decatur, I had -- had 16 maintenance responsibilities in addition to a 17 whole bunch of other bridges of the vertical 18 lift bridges at Valley City, Illinois and 19 Hannibal, Missouri. 20 Q. Okay. The MLB bridge as I understand 21 it is owned by Norfolk & Portsmouth Belt Line 22 Railroad Company. Is that your understanding? 23 A. (Witness nods head affirmatively). 24 Q. If I call it the Belt Line are we on 25 the same page, that's the company I'm talking</p>
<p style="text-align: right;">Page 18</p> <p>1 A. No, sir. 2 Q. All right. How long was Robert your 3 superior for? 4 A. I can't remember. I want to say it 5 was like for eight or nine years in that time 6 period. 7 Q. Were you located in the same area for 8 all those 20 years in Atlanta? 9 A. Yes. 10 Q. Did you oversee that same -- or were 11 you assigned to that same territory that we 12 were discussing the entire 20 years? 13 A. No, I -- I was for part of that 14 period part of the western region and I worked 15 for Willie Benton at that time. And that's 16 when I did the work on the bridges at Decatur, 17 Alabama and Jackson, Mississippi. 18 And then for the last say three or four 19 years or five years I worked for -- on the 20 northern region which is a former Conrail. And 21 I worked for Tom Heinrich, and that's when I 22 worked on the Calumet River bridge. 23 Q. Did you hold any other positions with 24 Norfolk Southern other than the assistant 25 engineer role?</p>	<p style="text-align: right;">Page 20</p> <p>1 about? 2 A. Yes, sir. 3 Q. What is your understanding of the 4 relationship between Norfolk Southern and the 5 Belt Line? 6 A. My understanding is that the Belt 7 Line is a subsidiary of Norfolk Southern. 8 Q. In your time working for Norfolk 9 Southern, did you ever work on any bridges that 10 were owned by the Belt Line including the MLB? 11 A. Never worked on any of them. 12 Q. Did you ever work with anyone from 13 Belt Line in your roles with Norfolk Southern? 14 A. In the 2000s or 1999, 2000, somewhere 15 around that time period, Norfolk Southern had a 16 program that they decided to work on creating 17 remote operation of some of their drawbridges. 18 The Belt Line had successfully turned this 19 bridge, the Main Line Bridge, into a remote 20 operated bridge. And during that time period 21 we -- we looked at various bridges, one bridge 22 on the Florida East Coast Railroad down in 23 Miami. 24 Anyways, the Belt Line bridge, Main Line 25 Bridge, was one of the bridges we looked at.</p>

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<p style="text-align: right;">Page 21</p> <p>1 So it was like probably three or four hours 2 with the Belt Line employee. 3 Q. Were you involved in any capacity 4 with the modification of the MLB to a remote -- 5 you said it was a remote? 6 A. Yes. 7 Q. Were you involved at all in that 8 project? 9 A. No, no, it was looking at the project 10 after it was completed to see how this stuff 11 works. 12 Q. And who from the Belt Line did you 13 meet with during that three or four-hour 14 meeting? 15 A. I have no idea. 16 Q. Fair to say you were sort of 17 consulting with them just to get their industry 18 knowledge and what they did on the project, 19 that type of thing? 20 A. Yes, sir. 21 Q. All right. Any other kind of 22 encounters or involvement working with the Main 23 Line Bridge prior to 2024? 24 A. Well, the -- in 2023, we were 25 contacted -- I can't remember if we contacted</p>	<p style="text-align: right;">Page 23</p> <p>1 that bridge management program? 2 A. Yes. We -- I was designated as a 3 bridge engineer, bridge inspector and bridge 4 supervisor at that time. 5 Q. Do you know who the bridge program 6 manager was at that time when you were 7 designated as those roles? 8 A. The -- can you explain that a little 9 bit more? 10 Q. Sure. My understanding of the 11 various roles in a bridge program manager 12 includes the three that you said and also 13 includes a bridge program manager, the BPM, who 14 is sort of overall responsible for 15 implementation of the bridge management 16 program. 17 And I'm just seeing if you recall who was 18 that person during the time that you worked for 19 Norfolk Southern and were listed as the, I 20 think you said the engineer or the supervisor 21 and the inspector? 22 A. Yeah, I -- and it's been a while 23 since I've looked at that part of the FRA 24 requirements, but I don't exactly remember that 25 title being designated under the FRA</p>
<p style="text-align: right;">Page 22</p> <p>1 or the Belt Line contacted us, about doing a 2 mechanical and electrical inspection of the 3 bridge. So that -- the actual inspection that 4 happened in 2024 started in 2023. 5 Q. Okay. Let's go back. So you were 6 the assistant division engineer roughly about 7 '07 to '13 for Norfolk Southern? 8 A. (Witness nods head affirmatively). 9 Q. Where did you go next after that 10 position? 11 A. I was a assistant division engineer 12 of bridges on the Virginia division, which was 13 out of Roanoke, Virginia and included Norfolk. 14 Q. As assistant division engineer, were 15 you responsible for overseeing Norfolk 16 Southern's railroad bridges? 17 A. Yes, sir. 18 Q. Does Norfolk Southern have a -- did 19 they have a bridge management program at that 20 time? 21 A. Yes, sir. 22 Q. Were you designated as the program 23 manager under that program? Let's strike that. 24 Were you designated in any capacity as 25 someone who was responsible for implementing</p>	<p style="text-align: right;">Page 24</p> <p>1 requirements. That would have fallen under the 2 chief engineer of bridges likely, who was James 3 M. Carter, Jr. at that time. 4 Q. And during the time that you were 5 with Norfolk Southern, did Norfolk Southern 6 maintain a bridge management program that was 7 separate from the bridge management program 8 that was maintained by the Belt Line? 9 A. Yes, sir. 10 Q. Did you at any time -- were you at 11 any time designated in any role under the Belt 12 Line's bridge management program? 13 A. No, sir. 14 Q. Okay. And when you were over the -- 15 you said it was the Virginia division? 16 A. (Witness nods head affirmatively). 17 Q. Did you have any role in overseeing 18 operations on the Main Line Bridge, repairs on 19 the Main Line Bridge? 20 A. No, sir. 21 Q. Okay. All right. Where did you go 22 next after the assistant division role in 23 Virginia? 24 A. Engineer of structures for northern 25 region, so after Tom Heinrich retired I</p>

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<p style="text-align: right;">Page 25</p> <p>1 basically took his spot.</p> <p>2 Q. And what's the difference in the --</p> <p>3 those two positions?</p> <p>4 A. Well, as the assistant engineer</p> <p>5 you're doing the design work. As the engineer</p> <p>6 of structures you're supervising the folks</p> <p>7 doing the design work, programming work, making</p> <p>8 sure that everything's in compliance. There</p> <p>9 was a bridge inspection audit process that we</p> <p>10 were involved with too.</p> <p>11 Q. How long were you in that position?</p> <p>12 A. I want to say two or three years, and</p> <p>13 then I moved into the assistant chief engineer</p> <p>14 role.</p> <p>15 Q. How long were you the assistant</p> <p>16 division engineer for the Virginia region?</p> <p>17 A. One year.</p> <p>18 Q. That was about 2013 to 2014?</p> <p>19 A. Right.</p> <p>20 Q. And then the next role was '14 to</p> <p>21 about '16 or '17?</p> <p>22 A. Right.</p> <p>23 Q. And I think you said there was one</p> <p>24 more position with Norfolk Southern?</p> <p>25 A. Assistant chief engineer of bridges.</p>	<p style="text-align: right;">Page 27</p> <p>1 A. We had completed a couple of large</p> <p>2 projects and it didn't look like there were any</p> <p>3 more large projects in the pipeline. And I</p> <p>4 wanted to continue doing large projects so...</p> <p>5 Q. We being Norfolk Southern had</p> <p>6 completed a bunch of large projects?</p> <p>7 A. Yes.</p> <p>8 Q. And when you were with the company</p> <p>9 and there was a repair project that needed to</p> <p>10 be done on a Norfolk Southern railroad bridge</p> <p>11 did they have the capability to do that</p> <p>12 in-house or would they usually contract out?</p> <p>13 A. What portion of that repair project?</p> <p>14 Q. Well, I guess is there a certain type</p> <p>15 of project that they would have capacity to do</p> <p>16 in-house versus out? Just trying to get a</p> <p>17 sense of how often Norfolk Southern used to use</p> <p>18 contractors?</p> <p>19 A. Over my time with Norfolk Southern,</p> <p>20 the maintenance forces sort of decreased and</p> <p>21 probably by the time I left Norfolk Southern</p> <p>22 about 50 percent of the -- maybe 50 percent or</p> <p>23 more of the work was contracted out to -- the</p> <p>24 repair work was contracted -- the actual repair</p> <p>25 work was contracted out.</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. And where were you located for that</p> <p>2 role?</p> <p>3 A. Here in Atlanta, and the engineer of</p> <p>4 structures role was here in Atlanta also.</p> <p>5 Q. As the assistant chief engineer were</p> <p>6 you overseeing a specific territory?</p> <p>7 A. No, I had the responsibility for the</p> <p>8 entire railroad.</p> <p>9 Q. Okay. Would you have responsibility</p> <p>10 then for overseeing all of the railroad</p> <p>11 bridges?</p> <p>12 A. Pretty much so.</p> <p>13 Q. How many during that time railroad</p> <p>14 bridges were on Norfolk Southern's tracks?</p> <p>15 A. I can't give you a good estimate</p> <p>16 right now. I don't remember.</p> <p>17 Q. Okay. In that assistant chief</p> <p>18 engineer role did you have any responsibility</p> <p>19 for overseeing the Main Line Bridge?</p> <p>20 A. No, sir.</p> <p>21 Q. Okay. And then was it after the</p> <p>22 assistant chief engineer role that you went out</p> <p>23 on your own?</p> <p>24 A. Yes, sir.</p> <p>25 Q. And what prompted that decision?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. And when you were with Norfolk</p> <p>2 Southern, did you ever retain Hardesty &</p> <p>3 Hanover to do any repair work?</p> <p>4 A. Never retained Hardesty & Hanover to</p> <p>5 do repair work. They were involved with a</p> <p>6 remote drawbridge project in Alabama but not</p> <p>7 for repair work.</p> <p>8 Q. How about just any work performed on</p> <p>9 any railroad bridge, did you ever retain</p> <p>10 Hardesty & Hanover?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 A. The major projects that were</p> <p>14 previously done that I mentioned, one of them</p> <p>15 was designed by Modjeski and Masters, which is</p> <p>16 a direct competitor with H&H. And I had</p> <p>17 approved invoices for over a million dollars</p> <p>18 with M and M and I decided I wanted to leave</p> <p>19 the railroad. And so I wanted to go to a firm</p> <p>20 that was like M and M so -- but I didn't want</p> <p>21 to have any conflict of interest, so I ended up</p> <p>22 with Hardesty & Hanover.</p> <p>23 Q. When was that project?</p> <p>24 A. Let's see, it was the Genesee Arch</p> <p>25 Bridge at Portageville, and I want to say we</p>

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<p style="text-align: right;">Page 29</p> <p>1 did construction from 2016 through 2018.</p> <p>2 Q. When you started your LLC right after</p> <p>3 you left Norfolk Southern, how did you get</p> <p>4 connected with Hardesty & Hanover for that</p> <p>5 exclusive arrangement I think you said?</p> <p>6 A. The AREMA has technical committees</p> <p>7 and I'm on the steel technical committee. And</p> <p>8 I talked to another member of the committee who</p> <p>9 is -- well, Paul Skelton, who's one of the</p> <p>10 principals at H&H.</p> <p>11 Q. And just for those of us that don't</p> <p>12 live and breathe this, what is AREMA?</p> <p>13 A. American Railroad Engineering and</p> <p>14 Maintenance-of-Way Association.</p> <p>15 Q. And what is your understanding of</p> <p>16 what that organization does?</p> <p>17 A. It develops technical specifications</p> <p>18 for various railroad engineering situations,</p> <p>19 let's put it that way.</p> <p>20 Q. How long have you -- you said you</p> <p>21 were on a committee?</p> <p>22 A. (Witness nods head affirmatively).</p> <p>23 Q. How long have you been involved with</p> <p>24 AREMA?</p> <p>25 A. AREMA was formed in, I'm going to get</p>	<p style="text-align: right;">Page 31</p> <p>1 steel committee, I was involved with the</p> <p>2 seismic committee and most of the changes that</p> <p>3 I've made to the manual were in the seismic</p> <p>4 area.</p> <p>5 Q. And what is the seismic area? What</p> <p>6 are you referring to there?</p> <p>7 A. Basically it is ensuring that</p> <p>8 railroad structures, being that they are</p> <p>9 bridges or anything else, are able to survive</p> <p>10 an earthquake, and that survival term is kind</p> <p>11 of a term of art in terms of is it going to be</p> <p>12 able to -- is it just going to stand up after</p> <p>13 an earthquake, are we going to be able to run</p> <p>14 trains on it afterwards and the sort.</p> <p>15 Q. And so it was through your</p> <p>16 involvement with AREMA that you got connected</p> <p>17 with H&H?</p> <p>18 A. Yes, sir.</p> <p>19 Q. All right. I think you said you had</p> <p>20 that LLC for about two years?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What was the arrangement you had with</p> <p>23 H&H or the LLC had with H&H to do work</p> <p>24 exclusively for them?</p> <p>25 A. Basically it was a hourly rate and an</p>
<p style="text-align: right;">Page 30</p> <p>1 this date probably wrong, around 1999, '95,</p> <p>2 2000, somewhere in there, and it was a merger</p> <p>3 of previous engineering organizations. One of</p> <p>4 them was the American Railroad Engineering</p> <p>5 Association and I've been a member of AR -- was</p> <p>6 a member of ARE since 1984.</p> <p>7 Q. Did you have any involvement in</p> <p>8 developing the rules and specifications that</p> <p>9 AREMA publishes?</p> <p>10 A. Yes.</p> <p>11 Q. What involvement did you have in</p> <p>12 that?</p> <p>13 A. As a member of a technical committee,</p> <p>14 well, AREMA is all volunteer organization. As</p> <p>15 a member of a technical committee, you can make</p> <p>16 a proposal to change one part of the</p> <p>17 specification. Once that -- and there are</p> <p>18 subcommittees that are responsible for</p> <p>19 individual parts or sections of the manual from</p> <p>20 there.</p> <p>21 And so once that subcommittee approves a</p> <p>22 change to the manual, then it goes to the full</p> <p>23 committee for vote. And then if it succeeds</p> <p>24 then it is incorporated into the manual.</p> <p>25 I had, prior to my involvement with the</p>	<p style="text-align: right;">Page 32</p> <p>1 agreement for them to pay for attendance at</p> <p>2 certain conferences.</p> <p>3 Q. Did you have speaking engagements,</p> <p>4 anything like that at those conferences?</p> <p>5 A. No, sir.</p> <p>6 Q. Did you actually do any engineering</p> <p>7 work under that arrangement for H&H?</p> <p>8 A. Oh, yes, yeah.</p> <p>9 Q. How many projects were you involved</p> <p>10 with through your work for the LLC in</p> <p>11 arrangement with H&H during those two years?</p> <p>12 A. I don't remember, but it was probably</p> <p>13 at least a dozen.</p> <p>14 Q. Were you the lead engineer overseeing</p> <p>15 any of those projects during that time?</p> <p>16 A. There was one project that I was.</p> <p>17 Q. Okay. Were any of those projects for</p> <p>18 Norfolk Southern?</p> <p>19 A. No, sir.</p> <p>20 Q. How about for the Belt Line?</p> <p>21 A. No, sir.</p> <p>22 Q. Can you recall any of the projects or</p> <p>23 what -- well, strike that.</p> <p>24 Were the projects related to any railroad</p> <p>25 bridges?</p>

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<p>1 A. Yes, they were all related to 2 railroad bridges. 3 Q. Any similar to the Main Line Bridge 4 like with a lift system? 5 A. No, sir. 6 Q. And then at some point you started 7 with H&H, correct? 8 A. Yes. 9 Q. And what prompted your transfer to 10 H&H as a full-time employee? 11 A. Well, and this sort of has to go with 12 the LLC, and since I had 32 years with Norfolk 13 Southern, I was under railroad retirement. 14 Under railroad retirement, there are certain 15 benefits that you lose if you go to work for a 16 private employer. But if you are employed -- 17 self-employed, you can retain those benefits. 18 And the main benefit was a survivor 19 benefit for my wife that was -- and so we 20 looked at the costs that we were paying for 21 healthcare and looked at the cost of creating a 22 life insurance policy for me that would 23 basically have the same result as the survivor 24 benefit for my wife, and determined it was 25 cheaper for me to go to work for H&H and get</p>	<p>1 support services? 2 A. Please define that term. 3 Q. Sure, if a law firm calls H&H and 4 says we're looking for an expert witness to 5 opine on XYZ in litigation, is that a service 6 that H&H will provide? 7 A. I think we do on a very limited 8 basis. Generally we shy away from that. I'm 9 not certain if we have ever done that, but it 10 is not sort of our bread and butter. 11 Q. Have you ever provided any expert 12 witnessing services? 13 A. No, sir. 14 Q. Remind me again what your title is 15 with H&H? 16 A. Chief engineer, passenger rail and 17 transit. 18 Q. Was that your title when you started 19 with the company? 20 A. No, my title was I believe senior 21 project manager. 22 Q. I take it your position now would 23 have been considered an elevation from senior 24 project manager? 25 A. Yes, sir.</p>
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<p>1 the healthcare and put money into life 2 insurance to take into account that survivor 3 benefit. 4 Q. Gotcha, okay. What does H&H do? 5 What is their primary business? 6 A. Our primary business is -- well, our 7 primary business is engineering services. 8 Historically, H&H has been very involved in the 9 movable bridge business. JA Waddell, who was 10 basically the founder of the H&H, invented the 11 first vertical lift bridge in Chicago. 12 Q. What do you mean by moveable bridge? 13 A. There are three types of movable 14 bridges that are sort of familiar to people. 15 Let's call it a swing bridge, which is a bridge 16 that pivots in the middle to allow ships to 17 pass through. You have bascule bridges which 18 are hinged at one end to allow ships to pass 19 through. And then you have a vertical lift 20 bridge like this bridge which the whole bridge 21 raises up. 22 Q. And the Main Line you said is the 23 vertical lift? 24 A. Correct. 25 Q. Does H&H provide any litigation</p>	<p>1 Q. Okay. Who did you report to as a 2 senior PM? 3 A. I reported to -- well, H&H doesn't 4 have direct structure as well as some companies 5 do. Railroads have very militaristic style of 6 organization chart which I was kind of 7 surprised with H&H. 8 But I somewhat reported to Paul Skelton 9 when I started out as a senior project 10 manager -- or no. No, no, no. I actually 11 reported to Brett Farmer, and Brett was the -- 12 I don't remember what Brett's official title 13 was but it was something in accordance with 14 head of the freight rail group. 15 Q. Did you have any direct reports as a 16 senior PM? 17 A. No, sir. 18 Q. How long were you titled as the 19 senior PM or a senior PM? 20 A. For about three and a half -- or for 21 about four years. I've only been a chief 22 engineer of passenger and transit for about a 23 year. 24 Q. So you were a senior PM for at least 25 the beginning portion of the work that was done</p>

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<p style="text-align: right;">Page 37</p> <p>1 on the Main Line Bridge?</p> <p>2 A. Yes.</p> <p>3 Q. How does H&H compensate you as a</p> <p>4 senior PM? Generally what's the structure?</p> <p>5 A. The structure is I get compensated an</p> <p>6 hourly rate and then there's a benefits</p> <p>7 package.</p> <p>8 Q. Are you 1099 or W-2?</p> <p>9 A. W-2.</p> <p>10 Q. When you say compensated on an hourly</p> <p>11 rate, do you get a portion of the services that</p> <p>12 you bill?</p> <p>13 A. Yeah, we sort of billed it the other</p> <p>14 way around, but yeah.</p> <p>15 Q. Sorry, if you could clarify what do</p> <p>16 you mean by that?</p> <p>17 A. Well, we generally look at our</p> <p>18 billable rate as a multiple of our hourly rate.</p> <p>19 So, you know, my hourly rate is so much and for</p> <p>20 different clients we would charge like 2.8,</p> <p>21 three times that amount.</p> <p>22 Q. And in terms of what goes into your</p> <p>23 pocket, is it just your hourly rate?</p> <p>24 A. Just my hourly rate.</p> <p>25 Q. So if H&H bills you out for let's say</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. I believe it is an email thread</p> <p>2 between yourself and Cannon Moss, if you look</p> <p>3 at that.</p> <p>4 A. Right.</p> <p>5 MR. SNOW: Can we go off the</p> <p>6 record for just a moment?</p> <p>7 MR. ROMAN: Sure.</p> <p>8 (Off-the-record discussion).</p> <p>9 (Brief recess).</p> <p>10 BY MR. ROMAN:</p> <p>11 Q. Mr. Swanson, we have marked as</p> <p>12 Exhibit 2 a set of documents. If you could</p> <p>13 review them and let me know when you're ready</p> <p>14 to go.</p> <p>15 A. (Witness reviews document).</p> <p>16 Q. While Mr. Swanson is reviewing that,</p> <p>17 just for the record, Exhibit 2 is an email and</p> <p>18 then an attachment to the email. The email has</p> <p>19 been produced, marked as NPBL 007822. I don't</p> <p>20 believe a Bates marked copy of the attachment,</p> <p>21 which is a letter dated December 8th, 2023 on</p> <p>22 Hardesty & Hanover letterhead to Mr. Adam</p> <p>23 Reeder, I don't believe that's been Bates</p> <p>24 marked, but that's what Exhibit 2 consists of.</p> <p>25 MR. SNOW: This is a letter</p>
<p style="text-align: right;">Page 38</p> <p>1 300 for one client and 400 for the other</p> <p>2 client, do you see any benefit from that</p> <p>3 hundred dollar increase --</p> <p>4 A. No, sir.</p> <p>5 Q. -- into your pocket? Okay.</p> <p>6 I think earlier you said at some point you</p> <p>7 were contacted in 2023 regarding a project on</p> <p>8 the Main Line Bridge?</p> <p>9 A. Yes, sir.</p> <p>10 Q. All right. I'm going to mark as 2.</p> <p>11 (Swanson Exhibit 2 marked</p> <p>12 for identification by the court reporter).</p> <p>13 MR. SNOW: Can you tell me what</p> <p>14 that is?</p> <p>15 MR. ROMAN: I think it's that top</p> <p>16 one, and I printed these without the Bates,</p> <p>17 these were the raw --</p> <p>18 MR. SNOW: Maybe, Mr. Swanson,</p> <p>19 can you read the date of the document you're</p> <p>20 looking at?</p> <p>21 THE WITNESS: December 9th, 2023,</p> <p>22 10:19 a.m. It's from Amanda Gary.</p> <p>23 BY MR. ROMAN:</p> <p>24 Q. Amanda Gary is who printed that.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 40</p> <p>1 that's attached to the email?</p> <p>2 MR. ROMAN: Correct.</p> <p>3 THE WITNESS: I'm finished</p> <p>4 reading it.</p> <p>5 BY MR. ROMAN:</p> <p>6 Q. And do you recognize these documents?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Could you describe what they are?</p> <p>9 A. It is a proposal to diagnose problems</p> <p>10 with the guide rail system for the Elizabeth</p> <p>11 River bridge of the Belt Line.</p> <p>12 Q. And the first document email dated</p> <p>13 Saturday, December 9th, 2023, 10:19:12 a.m.</p> <p>14 from yourself to Mr. Reeder, correct?</p> <p>15 A. Yes.</p> <p>16 Q. All right. At the time you sent this</p> <p>17 email had you done any type of inspection or</p> <p>18 review of the bridge?</p> <p>19 A. No, sir.</p> <p>20 Q. Okay. And then the proposal which is</p> <p>21 the attachment to the email, is this something</p> <p>22 that you drafted?</p> <p>23 A. I drafted it. There was likely</p> <p>24 some -- or definitely there was some internal</p> <p>25 editing with regard to it, but yeah, that's my</p>

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<p>1 letter.</p> <p>2 Q. Okay. And how did you get involved</p> <p>3 with the -- with this or what prompted you to</p> <p>4 provide the proposal?</p> <p>5 A. I don't remember exactly how we got</p> <p>6 connected up with the Belt Line to begin with</p> <p>7 in terms of them indicating that they had a</p> <p>8 problem with their bridge. It may have been</p> <p>9 just a cold call by Travis Kimmins, I can't</p> <p>10 remember.</p> <p>11 Q. And what was your understanding of</p> <p>12 what the problem was with the bridge?</p> <p>13 A. My understanding was that they were</p> <p>14 having problems with the counterweight not</p> <p>15 hanging exactly vertical and that caused it to</p> <p>16 ride up against the guide rails. Those are</p> <p>17 rails that guide the counterweight.</p> <p>18 Q. And do you recall how you obtained</p> <p>19 that information?</p> <p>20 A. Talking with Adam Reeder prior to</p> <p>21 this letter.</p> <p>22 Q. Had you ever worked with Mr. Reeder</p> <p>23 in the past?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. So the information that there was an</p>	<p>1 Q. Could that riding against the guide</p> <p>2 rails impact the structural integrity of that</p> <p>3 portion of the bridge?</p> <p>4 MR. SNOW: Object to form.</p> <p>5 THE WITNESS: Can you please</p> <p>6 define structural integrity?</p> <p>7 BY MR. ROMAN:</p> <p>8 Q. Well, what are some of the impacts</p> <p>9 that could result from this issue of the</p> <p>10 counterweight riding against the guide rails?</p> <p>11 A. It could cause the counterweight to</p> <p>12 kind of get stuck in there and cause more</p> <p>13 friction than what the motors that operate the</p> <p>14 bridge can overcome.</p> <p>15 Q. Could it increase strain on the</p> <p>16 motors?</p> <p>17 A. Yes, it could.</p> <p>18 Q. Could it increase strain on the guide</p> <p>19 rails themselves?</p> <p>20 A. Yes, it could.</p> <p>21 Q. And backing up, if you could explain</p> <p>22 just generally what the -- how the lift system</p> <p>23 portion of the bridge kind of works?</p> <p>24 A. Okay. The vertical lift bridges work</p> <p>25 with a -- you have a very large weight for the</p>
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<p>1 issue with the counterweight that was pressing</p> <p>2 up against the guide rails would have come from</p> <p>3 Mr. Reeder to the best of your recollection?</p> <p>4 A. Best of my recollection.</p> <p>5 Q. Okay. If we go to the attachment,</p> <p>6 the letter dated December 8th, 2023, project</p> <p>7 understanding header, do you see that there?</p> <p>8 A. Yes, sir.</p> <p>9 Q. It says the main counterweight for</p> <p>10 the Belt Line vertical lift bridge over the</p> <p>11 Elizabeth River in Norfolk, Virginia has been</p> <p>12 riding against the guide rails. This issue has</p> <p>13 been gradually getting worse. H&H has been</p> <p>14 requested to inspect the bridge to identify the</p> <p>15 cause of the issue.</p> <p>16 Did I read that correctly?</p> <p>17 A. That is correct.</p> <p>18 Q. What is meant by the issue had been</p> <p>19 gradually getting worse?</p> <p>20 A. My understanding was that it was --</p> <p>21 that the connector or the -- the guide portion</p> <p>22 that rides on the guide rails was getting</p> <p>23 closer to the guide rails and they had to</p> <p>24 lubricate it more to allow it to operate</p> <p>25 properly.</p>	<p>1 span and to make it so that the amount -- you</p> <p>2 know, you require a very large system to just</p> <p>3 directly lift that span up and down.</p> <p>4 So to counterbalance that there are</p> <p>5 counterweights that are attached to -- or</p> <p>6 there's great big pulleys on the top that are</p> <p>7 known as sheaves that counterweight ropes or</p> <p>8 folks would call them cable, wire rope cables</p> <p>9 but they are known as counterweight ropes,</p> <p>10 attach from the span over these sheaves onto</p> <p>11 the counterweights, and the system is designed</p> <p>12 so the -- it takes less mechanical effort to</p> <p>13 raise and lower the bridge.</p> <p>14 And to keep the counterweights from</p> <p>15 blowing back and forth in the wind and causing</p> <p>16 all sorts of problems, there are guide rails to</p> <p>17 hold the counterweights basically in a vertical</p> <p>18 plane as they go up and down.</p> <p>19 Q. There's a reference on the attachment</p> <p>20 that one of the scope of H&H's project is to</p> <p>21 perform an inspection of the counterweights,</p> <p>22 right?</p> <p>23 A. Yes, sir.</p> <p>24 Q. When did that inspection occur?</p> <p>25 A. I don't recall the exact date, but it</p>

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<p style="text-align: right;">Page 45</p> <p>1 was about a week or so before the allision. 2 Q. So in early June 2024? 3 A. Yes. 4 Q. Did you perform that inspection? 5 A. No, sir. 6 Q. Who did? 7 A. Travis Kimmins and Kevin Ciampi 8 performed the inspection. 9 Q. And both of those gentlemen are 10 employees of Hardesty & Hanover? 11 A. Yes, sir. 12 Q. And what is, if you know, 13 Mr. Kimmins' background? 14 A. Mr. Kimmins is a mechanical engineer, 15 but I don't really have a thorough background 16 for him. 17 Q. And remind me the other individual 18 you mentioned? 19 A. Kevin Ciampi, that's C-I-A-M-P-I. He 20 is also a mechanical engineer. 21 Q. Okay. Do you know if either of those 22 gentlemen are structural engineers? 23 A. Neither are structural engineers. 24 Q. Did you discuss the inspection that 25 those two individuals performed with them?</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. So who was responsible from H&H for 2 doing that portion of the project? 3 A. Kevin Ciampi. 4 Q. Okay. Do you know if Mr. Ciampi 5 performed those calculations before or after 6 conducting the inspection or during I guess I 7 should say? 8 A. After the inspection. 9 Q. Okay. And then number two under the 10 proposed scope it says to perform an in-depth 11 inspection of the mechanical systems to 12 identify the source of the counterweight issues 13 plus identify any other items that could cause 14 future operating issues. 15 Was it Mr. Kimmins and Mr. Ciampi who 16 performed that inspection? 17 A. Yeah, Kimmins and Ciampi performed 18 that inspection. 19 Q. Anyone else to your knowledge from 20 H&H? 21 A. I'm not certain, they may have had a 22 junior with them. 23 Q. And then third, it says perform 24 strain gauge balance testing, prepare balance 25 report at completion of testing with</p>
<p style="text-align: right;">Page 46</p> <p>1 A. Yes, I've discussed it, discussed the 2 inspection and the report with them. 3 Q. The letter that was attached to what 4 we've marked as Exhibit 2, you signed that 5 proposal, right? 6 A. Yes, sir. 7 Q. What was your involvement in the 8 project that resulted from the proposal and the 9 acceptance of the proposal? 10 A. The -- my part of it was basically 11 sort of managing the relationship with the 12 railroad. 13 Q. Who was the lead from H&H who was 14 overseeing the actual provision of services for 15 this project? 16 A. Can you define exactly what you mean 17 by provision of services? 18 Q. Sure. Well, if we look at the 19 proposal under the scope of work, first it says 20 perform power calculations to determine the 21 ideal balance condition with considerations to 22 the capabilities of the current machinery, 23 snow/ice loads and brake capacity. Do you see 24 that part? 25 A. Yeah.</p>	<p style="text-align: right;">Page 48</p> <p>1 recommendations for balance adjustments. Do 2 you see that part? 3 A. Yes. 4 Q. Do you know who was responsible from 5 H&H for performing that part of the project? 6 A. I believe Kevin did that. 7 Q. And then number four says confirm 8 that the bridge is properly driving into the 9 seats, and quote, winding up the machinery. 10 H&H will have our local senior electrical 11 engineer assist with the strain gauge testing 12 and while he will evaluate the seating wind up 13 and perform a cursory inspection of electrical 14 systems. Do you see that part? 15 A. Yeah, and I don't know who exactly 16 that senior, local senior electrical engineer 17 was. 18 Q. Okay. Do you know -- do you think he 19 would have been an H&H employee or -- 20 A. Yes. 21 Q. Okay. Does H&H have a base of 22 operations in the Norfolk, Virginia area? 23 A. Yeah, we have Travis Kimmins is based 24 there. 25 Q. And what is meant by properly driving</p>

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<p style="text-align: right;">Page 49</p> <p>1 into the seats there?</p> <p>2 A. I will give a structural engineer's</p> <p>3 viewpoint on that. I'm not an expert on this</p> <p>4 portion of work. However, the systems for</p> <p>5 vertical lift bridges are designed so that when</p> <p>6 you're closing the bridge or even when you're</p> <p>7 opening it, there is a sort of startup speed,</p> <p>8 full speed for the movement, let's say you're</p> <p>9 going down -- you're lowering the span, and</p> <p>10 then a slower speed for when you're actually</p> <p>11 landing down on the bearings.</p> <p>12 So the -- and that's -- well, that's</p> <p>13 driving into the seat so that the idea is you</p> <p>14 want to make sure it firmly gets down in the</p> <p>15 bearings but you're not running into the</p> <p>16 bearings at full speed.</p> <p>17 Q. Okay. And then how about the</p> <p>18 reference to, quote, winding up the machinery?</p> <p>19 Can you interpret that for us?</p> <p>20 A. I'm not exactly certain what I meant</p> <p>21 by that. I believe it has something to do with</p> <p>22 that process of starting out slow, going full</p> <p>23 speed in the main part of the lift and then</p> <p>24 winding down or slowing down at the right time.</p> <p>25 Q. You said the inspection was performed</p>	<p style="text-align: right;">Page 51</p> <p>1 the actual inspection.</p> <p>2 Q. What do you recall from that</p> <p>3 discussion?</p> <p>4 A. It was, you know, sort of, you know,</p> <p>5 did you have any problem finding the bridge,</p> <p>6 did you have any problems getting track time to</p> <p>7 get out on the bridge, you know, did you meet</p> <p>8 with -- you know, did you have any problems</p> <p>9 meeting with the railroad representatives, just</p> <p>10 sort of a overall how did the inspection go</p> <p>11 sort of thing. I don't remember if we</p> <p>12 discussed any technical details.</p> <p>13 Q. Okay. And who was on that -- well,</p> <p>14 was it a phone call, in-person meetings, Zoom,</p> <p>15 do you recall?</p> <p>16 A. I don't recall. I think it was a --</p> <p>17 it probably was either a phone call or a Teams</p> <p>18 meeting, not a official Teams meeting but just</p> <p>19 a, you know, saw Travis was available and rung</p> <p>20 him up on Teams.</p> <p>21 Q. And it was you and Travis on that</p> <p>22 Teams call?</p> <p>23 A. Best of my understanding.</p> <p>24 Q. Can you recall if Mr. Ciampi or</p> <p>25 anyone else was also on it?</p>
<p style="text-align: right;">Page 50</p> <p>1 a few weeks before the June 15th allision,</p> <p>2 right?</p> <p>3 A. Correct.</p> <p>4 Q. Do you recall when you first had a</p> <p>5 discussion with either Mr. Kimmins or</p> <p>6 Mr. Ciampi about that inspection?</p> <p>7 A. I believe it was -- well, it would</p> <p>8 have been prior to this December 9th letter</p> <p>9 because, you know, when we're lining up the</p> <p>10 estimate for this work, you know, you talk to</p> <p>11 the people who are going to be doing the work.</p> <p>12 And so coming up with their estimated hours,</p> <p>13 travel costs and all the rest of that, that</p> <p>14 would have been prior to proposal letter.</p> <p>15 Q. The proposal letter is dated not</p> <p>16 December -- well, the letter itself is December</p> <p>17 8th, 2023. Your transmittal email was December</p> <p>18 9th, 2023, right? The allision was about six</p> <p>19 months later on June 15th, 2024.</p> <p>20 And my question was when you -- if you</p> <p>21 recall when you first discussed the inspection,</p> <p>22 which I understand they performed in June 4th</p> <p>23 and 5th of 2024, when you discussed the results</p> <p>24 of that inspection with them?</p> <p>25 A. I believe it was a day or two after</p>	<p style="text-align: right;">Page 52</p> <p>1 A. No, I can't recall.</p> <p>2 Q. Okay. Did Mr. Kimmins discuss any of</p> <p>3 his preliminary recommendations as to what type</p> <p>4 of work might need to be performed to resolve</p> <p>5 the issue with the counterweight?</p> <p>6 A. I don't -- I did have a conversation</p> <p>7 with Travis with regard to that, but I cannot</p> <p>8 remember if it was prior or after the allision.</p> <p>9 Q. And what did Mr. Kimmins say were his</p> <p>10 preliminary recommendations?</p> <p>11 A. There's -- what we found, one of the</p> <p>12 major problems was that the -- there's -- I</p> <p>13 can't remember the exact number but let's say</p> <p>14 there's 32 of these counterweight ropes that go</p> <p>15 from the span to the counterweight, and that</p> <p>16 they were not all equal tensioned, and that at</p> <p>17 a minimum they would have to be equally</p> <p>18 tensioned.</p> <p>19 Q. Did Mr. Kimmins say anything with</p> <p>20 regard to whether work would need to be</p> <p>21 performed on the guide rails themselves?</p> <p>22 A. I don't recall if he said so or not.</p> <p>23 Q. How about the mechanical portions,</p> <p>24 the motor, the brake, did Mr. Kimmins discuss</p> <p>25 those components at all?</p>

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<p style="text-align: right;">Page 53</p> <p>1 A. I don't remember if he discussed them 2 at that time. 3 Q. Do you know if Mr. Kimmins -- well, 4 strike that. 5 Do you know if there were any plans made 6 at any time to perform work on the brake system 7 of the Main Line Bridge? 8 A. We -- somewhere in that time period 9 we realized that the motor brake, which is one 10 brake on the back side of the motor, was 11 undersized for holding the span in place when 12 the span was in a raised position. Also, 13 undersized for holding the counterweight in 14 place when the span's in the lowered position. 15 Q. And how did H&H determine that it was 16 undersized? 17 A. That is out of my area of expertise. 18 Q. Okay. Do you know who would have 19 made that determination for H&H? 20 A. I believe Travis did. 21 Q. At any time were there plans 22 formulated to perform any repair work on the 23 counterweight itself? 24 A. Can you please clarify that question? 25 Q. Yeah, sure. So maybe I'll call it</p>	<p style="text-align: right;">Page 55</p> <p>1 clarify the western portion of the bridge, 2 right? 3 A. Correct. 4 Q. What type of work can you recall 5 being performed on the counterweight guide 6 rails? 7 A. The counterweight guide rails were 8 damaged in the allision and the 9 counterweight -- it appeared to have swung back 10 and forth quite a bit during the allision 11 because a portion of the concrete had gotten 12 knocked off the counterweight. 13 So as part of the repair work after the 14 allision to get this bridge back in service, we 15 had to put in new guide rails for like the 16 bottom 20, 25 feet of the guide rails. 17 Q. And how long are the -- is the 18 complete guide rail? 19 A. I want to say it's about 140 feet. 20 It's the full -- basically the full length of 21 the tower. 22 Q. Okay. And I think you said only 20 23 percent or 20 feet were replaced? 24 A. It was the bottom portion, so it 25 was -- and I may -- it may be as much as 30</p>
<p style="text-align: right;">Page 54</p> <p>1 the counterweight system, which you were just 2 describing, it going up and down and the guide 3 rails which as I understand it would be 4 distinct from the motor brake, right? 5 A. (Witness nods head affirmatively). 6 Q. So if we take a look at that 7 counterweight, the guides, the spans, was there 8 ever -- were there any plans formulated to do 9 any type of work to that portion of the bridge 10 resulting from that June 4th and 5th 11 inspection? 12 A. H&H obtained a contract from Belt 13 Line in the last two months to develop 30 14 percent plans to do work associated with 15 readjusting the counterweight or associated 16 with the counterweight ropes and getting the -- 17 that system corrected. 18 Q. Was there any work done on the ropes 19 at any time between June 15th and today? 20 A. No, sir. 21 Q. And then how about the counterweight 22 guide rails themselves? Any work done on those 23 between June 15th and today? 24 A. Yes, there was work done on those. 25 Q. And that would be on the -- just to</p>	<p style="text-align: right;">Page 56</p> <p>1 feet, but it was not any more than just the 2 bottom portion where the counterweight was 3 located during the allision. 4 Q. And when the lift is in the raised 5 position, where is the counterweight located? 6 A. The counterweight is down near the 7 track level. 8 Q. Okay. And you say it was that bottom 9 portion of the counterweights that were 10 replaced after the allision? 11 A. The counterweight guides. 12 Q. Gotcha. Did those portions of the 13 counterweight guides that were replaced, were 14 those also being ridden up against by the 15 counterweight guides prior to the allision 16 which was part of the problem that H&H was 17 looking into? 18 A. Likely. 19 Q. Okay. And what makes you say likely? 20 A. There was, when we put in the repair 21 pieces, they had to be milled down to account 22 for the wear that was in them compared to the 23 originals, bridge design. 24 Q. Do you have any opinion as to whether 25 that portion that was replaced after the</p>

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<p style="text-align: right;">Page 57</p> <p>1 allision would have still needed to be replaced 2 because of those ongoing issues with the 3 counterweight? 4 A. Yeah, well, once -- once the 5 counterweight is repaired, probably the guide 6 rails for the whole length of the tower will 7 need to be replaced and need to be replaced on 8 both the east and west set of guide rails. 9 Q. For the western section, what are the 10 reasons that those are going to have to be 11 replaced? 12 A. With the counterweight being 13 re-leveled, then the -- the tolerance can be 14 then closer and be better positioned there. 15 Q. And you said that recently there's 16 been a proposal H&H submitted to the Belt 17 Line -- 18 A. (Witness nods head affirmatively). 19 Q. -- to proceed with some of the work 20 on that counterweight and the guide system? 21 A. Yes, sir. 22 Q. Has any of that work commenced? 23 A. A small amount of it. Had one -- one 24 of our junior engineers starting to work on it. 25 Q. And who is that junior engineer?</p>	<p style="text-align: right;">Page 59</p> <p>1 let's switch to the allision and the repairs. 2 A. Okay. 3 Q. My understanding I think is that at 4 some point someone from the Belt Line reached 5 out to H&H about the allision? 6 A. Yes, sir. 7 Q. Were you involved in those 8 preliminary discussions? 9 A. Yes, sir. 10 Q. All right. And just tell me what you 11 can recall were the first thing that happened 12 after -- or being contacted by the Belt Line 13 with regard to the June 15th allision. 14 A. To my knowledge and I don't know 15 exactly the relationship, but Charlie Graning 16 with PCL was contacted soon after the allision 17 by the Belt Line. And Charlie Graning had 18 worked for me on the Virginia division when I 19 was ADE, and we kept in contact. And Charlie 20 said, you know, Belt Line's got a heck of a 21 mess here, and so I believe I got ahold of 22 Cannon and said do you want our engineering 23 services with regard to this. 24 Q. And you and Mr. Graning you said you 25 had worked together at Norfolk Southern?</p>
<p style="text-align: right;">Page 58</p> <p>1 A. David Derks. 2 Q. Like what type of work has he done so 3 far? 4 A. The work is going to likely require 5 the replacement of the counterweight ropes. 6 They are nearing the end of their useful life, 7 and so the counterweight would then have to be 8 temporarily supported. And so he is -- and 9 there's a system in place to temporarily 10 support the counterweights. And he was 11 checking through that system and making sure 12 that if we needed to redesign something in 13 there, that would be available. 14 Q. Has Mr. Derks been onsite to perform 15 any type of inspection of the bridge? 16 A. Yes, but not associated with that. 17 Q. What was his inspection for? 18 A. After the allision, there was some 19 additional structural members -- one of the 20 stringers in the floor system, when they took 21 the ties off, there appeared to be more damage 22 there than we had noticed prior to removing the 23 ties and rail. And David was available and so 24 we sent him out to do the inspection. 25 Q. I want to pivot a little bit, so</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Yes, sir. 2 Q. Back when you were in the Virginia 3 division? 4 A. Correct. 5 Q. So how long have you known 6 Mr. Graning? 7 A. Since, what was it, 2013 when I was 8 on the Virginia division. 9 Q. What's Mr. Graning's background if 10 you know? 11 A. He's a graduate engineer from North 12 Carolina State railroad -- or North Carolina 13 State University. He has worked in the 14 railroad industry since then, either worked in 15 the railroad industry or worked for a 16 contractor doing railroad work since then. 17 Q. And he's with PCL, correct? 18 A. Correct. 19 Q. Had you worked with Mr. Graning on 20 any projects while you were with H&H and he was 21 with PCL other than the one, the Main Line 22 Bridge project? 23 A. Can you define worked on? 24 Q. Sure. So my -- well, am I correct 25 that H&H was the lead engineer for Belt Line</p>

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<p style="text-align: right;">Page 61</p> <p>1 with regard to the Main Line Bridge repair 2 project, right? 3 A. Right. 4 Q. Okay. And PCL was the primary 5 contractor -- 6 A. Correct. 7 Q. -- for the actual repairs? 8 Did you ever work on any other projects in 9 that similar type of relationship where H&H was 10 the lead engineer and PCL was the lead 11 contractor? 12 A. Not exactly in that relationship. 13 Well, sort of. There was a piece of work that 14 we were working on proposing that PCL was going 15 after that H&H was going to do some engineering 16 services for PCL. So it -- we weren't in a 17 formal contractor/engineering firm relationship 18 but we were -- the two firms were talking about 19 this proposed work. 20 Q. When you first spoke with Mr. Graning 21 about the Main Line Bridge allision, do you 22 know whether or not Mr. Graning had already 23 been out to the site and taken a look at it? 24 A. Yeah, I think he had just been at the 25 site and sent me pictures.</p>	<p style="text-align: right;">Page 63</p> <p>1 happened on Saturday and I believe I was up 2 onsite by that Wednesday or Thursday. 3 Q. Did anyone else from H&H attend that 4 inspection with you? 5 A. I'm not certain if Tim Noles was 6 there at the same time I was or not. 7 Q. And what's Mr. Noles' position with 8 the company? 9 A. I can't remember exactly Tim's title. 10 He's like a senior project engineer or I 11 believe he's also a principal, but I'm not 12 certain. 13 Q. He's a licensed engineer? 14 A. Yes, sir. 15 Q. Who did you meet with -- well, who 16 else was present for that inspection? 17 A. Other than -- I can't remember if 18 Charlie Graning was there at the same time and 19 it may have been Adam Reeder and Cannon may 20 have been there at the time. 21 Q. How long did the inspection last? 22 A. Well, I want to sort of clarify terms 23 there. 24 Q. Sure. 25 A. It was not truly an inspection, it</p>
<p style="text-align: right;">Page 62</p> <p>1 Q. And then at some point you had a 2 discussion with Mr. Moss? 3 A. Yeah, I -- it was either with 4 Mr. Moss or Mr. Reeder. 5 Q. All right. And what can you recall 6 about those discussions? 7 A. We were -- we didn't know sort of the 8 extent of the -- what had gone on. So I 9 basically said, you know, just so we get a 10 contracting arrangement, sent him a proposal to 11 just come up and look at the bridge for I think 12 it was initially for \$10,000 or just so that we 13 had a not-to-exceed contract put into place. 14 Q. So that \$10,000 proposal which I 15 think you are correct that's what it was, was 16 sort of for your initial come up and take a 17 look at the bridge. And obviously you were 18 going to follow up with a further proposal 19 after he had taken a look at it? 20 A. Right. 21 Q. All right. And when did you perform 22 that inspection? 23 A. I can't remember the exact dates but 24 it was with -- I believe it was -- I came up 25 and looked at it within -- the allision</p>	<p style="text-align: right;">Page 64</p> <p>1 was a just sort of a let's walk and do an 2 investigation to see sort of kind of scope 3 investigation as opposed to a inspection in 4 anybody's book, you know. 5 Q. Okay. 6 A. So -- but -- 7 Q. How about, what did -- what did you 8 do that day when you went out to the bridge? 9 A. Went out, walked the length of the 10 western portion of the bridge, looked what the 11 sort of general ideas of what the damage was 12 and I believe at that time, if that was when 13 Tim was up there, we also came up with a quick 14 plan or quick ideas on how the bridge would 15 have to be supported to do the repairs. 16 Q. What were those preliminary plans 17 that you formulated from that initial review of 18 the bridge? 19 A. One, we came up with some ideas for 20 PCL to help stabilize the bridge. The, what's 21 called the bottom lateral system, which is what 22 resists the -- or helps the bridge resist wind 23 forces, had been significantly damaged by the 24 allision, so we had them put in temporary 25 chains and tensioned between these points to be</p>

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<p style="text-align: right;">Page 65</p> <p>1 able to resist wind forces if it occurred. 2 There was some locations we suggested them 3 putting in timber blocking to prevent -- there 4 was a portion of the bridge sort of hanging out 5 in the air, had timber blocking put in there to 6 provide some support for that area. 7 And I don't know if it -- at that time or 8 a little bit later -- oh, and I believe Travis 9 was there at the first -- first looking at the 10 bridge, since he was local. 11 But somewhere along that time he indicated 12 some concerns with the motor brake there and 13 had PCL somewhere in those first weeks put 14 timber blocking underneath the counterweight to 15 provide a stop if the brake failed. 16 Q. And to your understanding was 17 Mr. Kimmins aware of that potential issue with 18 the motor brake in part from his prior 19 inspection of the bridge? 20 A. Yes. 21 Q. As I understand it there was, in that 22 kind of week or two following the allision, 23 after you had an opportunity to take a look at 24 the bridge, sit down, that there's sort of 25 several changes to the proposed plan. Is that</p>	<p style="text-align: right;">Page 67</p> <p>1 (Swanson Exhibit 3 marked 2 for identification by the court reporter). 3 BY MR. ROMAN: 4 Q. I've marked as Exhibit 3 the 5 emergency inspection report which is Bates 6 marked NPBL 002304 to 2366. If you could take 7 a look at that. 8 A. Okay. 9 Q. Are you familiar with this document? 10 A. Yes, sir. 11 Q. All right. Fair to say this is the 12 inspection report that was -- H&H provided to 13 the Belt Line after the initial inspection that 14 you performed? 15 A. After the review -- or the survey of 16 the bridge after the allision. 17 Q. Okay. Who actually authored this 18 document? 19 A. It was a combination of Barry Keung 20 and Brian Sykes and they were the inspectors. 21 On here, the BK, that's -- on the second page, 22 that's Barry -- oh, TK is Travis Kimmins so 23 they both were involved in the creation of this 24 report. And then Tim Noles and myself approved 25 it, that's the checked -- or I should say</p>
<p style="text-align: right;">Page 66</p> <p>1 fair to say? 2 A. Yeah. 3 Q. All right. What was the sort of 4 first major change in the proposed plan to 5 repair the bridge after you were able to take 6 a -- sit down and take a look at everything 7 after performing that initial review? 8 A. I don't know if -- I don't know if we 9 had a sort of change in plan at that time. I 10 think originally PCL thought that they could do 11 a lot of the repair work using heat 12 straightening, and they had lined up a heat 13 straightening contractor or subcontractor. But 14 that wasn't something that we had -- I don't 15 think we -- I mean, I know we hadn't produced 16 any plans or any official documents 17 recommending that. So that was a change that 18 occurred but it wasn't necessarily a change in 19 our plans. 20 Q. Okay. Let's take a look -- 21 A. Can -- 22 Q. Sorry, go ahead? 23 A. Can I use -- take a break. 24 MR. ROMAN: Yeah, let's take a 25 break. (Brief recess).</p>	<p style="text-align: right;">Page 68</p> <p>1 checked. And Keith Griesing who is KRG is the 2 person who approved this and he's chief 3 technical officer for the -- for H&H. 4 And although it shows Barry made this, 5 Brian Sykes was also involved in the 6 inspection, so he may have written portions of 7 this under Brian's super -- or Barry's 8 supervision. 9 Q. Okay. And so you said the initials 10 TN next to the checker, who is that? 11 A. Tim Noles. 12 Q. Tim Noles, okay. And HCS is you, 13 correct? 14 A. Correct. 15 Q. All right. What -- what's the 16 process at H&H for, you know, authoring, 17 reviewing and approving and ultimately 18 delivering this type of report to a client? 19 A. A document gets -- or plans, 20 documents, anything going out to a client gets 21 produced by somebody, then there will be at 22 least one checker who goes through and either 23 highlights items in yellow for approved or 24 marks them in red and provides comments for 25 what is supposed to be changed.</p>

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<p style="text-align: right;">Page 69</p> <p>1 And then the reviewer will -- or the 2 person who originally created the document will 3 then go through and the items that are red 4 will -- I'm going to get my green and blue 5 mixed up, but anyways, the -- they will mark in 6 green any comments or saying -- or do a 7 checkmark in green to indicate that they agree 8 with that change, or will provide a written 9 explanation why they disagree with it. 10 And then there is a blue mark that is done 11 by the person who created the document to 12 indicate that it's been revised, the final 13 document. And then the checker will go back 14 through and mark in orange the -- they will 15 compare the checked document to the new 16 modified document and mark in orange that all 17 the modifications have been made. 18 And if there's any disagreement, then that 19 orange check is, you know, not done and then it 20 goes back and forth and discussed. 21 Q. And to your understanding was that 22 process followed with regard to the document 23 we've marked as Exhibit 3? 24 A. Yes, to my knowledge. 25 Q. Okay.</p>	<p style="text-align: right;">Page 71</p> <p>1 the span guides were not accessible during this 2 inspection, but there was some concern without 3 having all the false work underneath the span 4 for climbing up to the top of the tower. So it 5 is likely that we were more indicating that the 6 span guides were not fully able to be inspected 7 for the whole vertical length. 8 The lift span, span guide, there's the -- 9 there's the track that it runs in and the 10 actual guide itself. And what this sentence, 11 the visually was confirmed that the lift span 12 southwest and upper and lower span guides were 13 entirely out of engagement of the southwest 14 track, means that the track along the tower -- 15 or the guide, what grabs onto the guide rail 16 itself was out of -- was not connected anymore. 17 Q. Okay. Do you know whether or not 18 there was some type of inspection to that 19 portion of the bridge? 20 A. We did additional drone inspection of 21 the bridge after -- the week after the hands on 22 inspection, and part of the drone inspection 23 was to be able to go up and look at those upper 24 portions without putting anybody in risk in the 25 inspection. So that was performed at that</p>
<p style="text-align: right;">Page 70</p> <p>1 A. And I may have that blue and green 2 color mixed up, but it's -- that's the process. 3 Q. Okay. All right. I want to go to -- 4 I think it's page five of the report, NPBL 5 2308. 6 A. Okay. 7 Q. The third paragraph up from the 8 bottom starting with span guides were not 9 accessible during this inspection. Visually it 10 was confirmed that the lift span southwest 11 upper and lower span guide was entirely out of 12 engagement with the SW span guide track. Do 13 you see that there? 14 A. Yes. 15 Q. All right. Why were those not, if 16 you can recall, accessible during the 17 inspection? 18 A. Okay. I don't -- and there's a -- 19 one clarification here. The span guides are 20 different from the counterweight guides as the 21 counterweight guides keep the counterweight 22 going vertically in this process and resist 23 wind on it. The span guides do the same thing 24 and they are on the outside of the tower legs. 25 I don't know why we put the sentence that</p>	<p style="text-align: right;">Page 72</p> <p>1 time. 2 Q. Who was actually operating the drone 3 during that inspection? 4 A. I'm not exactly certain the person 5 who was operating it. We subcontracted that 6 work out to ARE, American Railroad Engineering 7 Corporation. They have a drone inspection 8 capabilities. We have limited capabilities 9 in-house. 10 The other key item with regard to doing 11 any drone inspection there is with the location 12 next to the Norfolk naval base -- or not naval 13 base, naval shipyard, and with the -- I want to 14 say Virginia Power, I may have that wrong, but 15 the power lines that are connected to the 16 bridge, it's a very sensitive difficult area to 17 do a drone inspection on. 18 So we -- we originally looked at a couple 19 of different contractors and then we were able 20 to get ARE to do the work. 21 Q. Did H&H receive a copy of the footage 22 from ARE's inspection? 23 A. Yes, and it is included on the -- in 24 the information that was on the jump drive. 25 Q. You anticipated my question, good</p>

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<p style="text-align: right;">Page 73</p> <p>1 man.</p> <p>2 A. Well, those are huge files and they</p> <p>3 were difficult to get copied over and had to</p> <p>4 specially format the jump drive so I could do</p> <p>5 that. So --</p> <p>6 Q. Well, we appreciate your work. All</p> <p>7 right.</p> <p>8 Going up to the -- I think it's two</p> <p>9 paragraphs up it says: In general the upper</p> <p>10 framing of the truss of span four appears in</p> <p>11 fair as-built condition.</p> <p>12 Do you see that part there?</p> <p>13 A. Yes.</p> <p>14 Q. What does it mean fair as-built</p> <p>15 condition?</p> <p>16 A. It would mean that it is in a</p> <p>17 functional condition with sort of possibly</p> <p>18 secondary issues. There's, the coatings on</p> <p>19 this bridge are not 100 percent and so that's</p> <p>20 probably why it would get a fairer condition as</p> <p>21 opposed to an excellent condition.</p> <p>22 Q. I'm sorry, you said the coatings?</p> <p>23 A. Yes, the paint.</p> <p>24 Q. Oh, the paint, okay. So</p> <p>25 C-O-A-T-I-N-G?</p>	<p style="text-align: right;">Page 75</p> <p>1 A. No, we did not look at the overall</p> <p>2 span.</p> <p>3 Q. And as I understand it sort of</p> <p>4 reading the report, there was assessments made</p> <p>5 to the various component members and their</p> <p>6 condition that you were reviewing, right?</p> <p>7 A. (Witness nods head affirmatively).</p> <p>8 Well, let me back up a little bit about the --</p> <p>9 my previous statement. It was a -- we looked</p> <p>10 at the entire bridge and then sort of doing the</p> <p>11 sorting of was this member damaged or not, once</p> <p>12 we determined that that member wasn't damaged,</p> <p>13 then we didn't do any assessment of it.</p> <p>14 Q. Gotcha. Okay. So if there is a</p> <p>15 member that is assessed in a -- in this report</p> <p>16 such as the -- what we see in this paragraph,</p> <p>17 the upper framing of the truss of span four</p> <p>18 appears in fair as-built condition, we can kind</p> <p>19 of take that to mean that that was a member</p> <p>20 that was damaged in the allision?</p> <p>21 A. The -- the member that was damaged in</p> <p>22 the -- in that upper framing portion was the --</p> <p>23 the upper lateral bracing in span four appears</p> <p>24 to be in fair condition. That's talking about</p> <p>25 the general case. And then with one member</p>
<p style="text-align: right;">Page 74</p> <p>1 A. Yeah.</p> <p>2 Q. All right. When it's referencing</p> <p>3 fair as-built condition, is that referring to</p> <p>4 the condition for notwithstanding the allision</p> <p>5 or the after-the-fact condition?</p> <p>6 A. That is in -- after the allision</p> <p>7 because that second sentence, the upper lateral</p> <p>8 bracing of span four appears in fair condition</p> <p>9 with one member showing evidence of buckling.</p> <p>10 So that member that shows buckling is, you</p> <p>11 know, out of the ordinary for the rest of the</p> <p>12 repair work.</p> <p>13 Q. Okay. So what I'm trying to</p> <p>14 understand, was that portion of the bridge in</p> <p>15 fair condition because of the allision or would</p> <p>16 it have been in a -- would that have been the</p> <p>17 condition regardless of whether the allision</p> <p>18 had occurred? Am I making sense?</p> <p>19 A. Yeah, it would have been probably in</p> <p>20 fair condition without the allision.</p> <p>21 Q. Okay. Did you make any assessment or</p> <p>22 did Hardesty & Hanover make any assessment sort</p> <p>23 of as to the overall condition of the span of</p> <p>24 the bridge that had been impacted in the</p> <p>25 allision?</p>	<p style="text-align: right;">Page 76</p> <p>1 showing evidence of buckling. That one member</p> <p>2 showing evidence of buckling was what was</p> <p>3 assumed to have been occurred through the</p> <p>4 allision.</p> <p>5 Q. All right. I want to go on to page</p> <p>6 seven. Could you take us through what the</p> <p>7 figure 4 and figure 5 represent here?</p> <p>8 A. Okay. Figure 5 -- or figure 4 is the</p> <p>9 western pier which is pier number four. Figure</p> <p>10 5 is pier number 5 which is the eastern pier</p> <p>11 for span number four. And the blue squares</p> <p>12 indicate where the bearings were to our</p> <p>13 understanding prior to the allision, which is</p> <p>14 the as-designed location. And the red squares</p> <p>15 indicate where these bearings were dislodged</p> <p>16 to.</p> <p>17 And the figure 5 indicates that the</p> <p>18 bearing on the southwest corner was dislodged</p> <p>19 six inches from the as-built location. And</p> <p>20 there were three anchor bolt -- well, it</p> <p>21 doesn't show on there, but there were three</p> <p>22 anchor bolts that were broken at that location.</p> <p>23 And figure 4 shows the dislodged location of</p> <p>24 the two bearings on the west end of the bridge.</p> <p>25 Q. Are these images that someone from</p>

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<p style="text-align: right;">Page 77</p> <p>1 H&H were to generate? 2 A. Yes. 3 Q. What type of software was used to 4 generate these? 5 A. I believe that they used Bluebeam to 6 do this, but I am not exactly certain what they 7 used. 8 Q. Moving on to the next page in the 9 series of photos, photo two, photo three, photo 10 four, and it goes on to photo 11 on page 13 of 11 the report. To the best of your understanding 12 were these photos all taken by someone from 13 H&H? 14 A. Yes. 15 Q. And do you know who would have taken 16 them? 17 A. I believe that the photos that have 18 dates on them and they may have been cropped 19 with some of the dates taken out, but the 20 photos with dates in them were taken by Brian 21 Sykes, and Barry Keung probably took the other 22 ones. 23 Q. You personally didn't take any of 24 them, correct? 25 A. Not the pictures in this report.</p>	<p style="text-align: right;">Page 79</p> <p>1 Q. And what type of steel was used for 2 the replacement parts of those members? 3 A. A709 grade 50. 4 Q. What are the differences between 5 those grades if anything? 6 A. The A709 is a -- I believe a cleaner 7 steel. It has less impurities, sort of is a 8 improvement in steel making since the 1950s 9 when this was originally constructed. 10 Q. Is it a stronger steel? 11 A. Yes. 12 Q. The next seven pages I believe on to 13 page 22 of the report -- I'm sorry, nine pages, 14 my math was wrong, which is NPBL 002325, 15 there's a series of photos again. Did you take 16 any of those photos? 17 A. No. The two inspectors took the 18 pictures. 19 Q. Okay. And then looking at page 18 of 20 the report, NPBL 2321, figure 7, the north 21 truss damage location schematic, do you see 22 that there? 23 A. Uh-huh. 24 Q. If you could explain what this figure 25 is representing.</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Okay. I want to take a look at 2 figure 6, if you could take us through and 3 interpret what that figure is representing? 4 A. Figure -- you mean photo 6? 5 Q. No, figure 6 on page 13, NPBL 6 002316 -- 7 A. Okay. 8 Q. -- which has the -- some of the 9 member components in red, some of them in 10 black. If you can just, you know, interpret 11 what that's representing there? 12 A. Okay. This represents the members 13 that we determined needed to be repaired or 14 replaced in red for the south truss due to 15 damage, due to the allision. 16 Q. And these are all steel member 17 components, correct? 18 A. That is correct. 19 Q. What type of steel was in the 20 original bridge, Main Line Bridge, at the time 21 of the allision? 22 A. I believe it was ASTM A7 steel. 23 Q. And what is -- what does that 24 grade -- what is that grade? 25 A. That's a low carbon structural steel.</p>	<p style="text-align: right;">Page 80</p> <p>1 A. This figure shows the items that we 2 believe needed to be repaired or replaced due 3 to the allision, shown in red. 4 Q. Okay. Is there any way to determine 5 from looking at this photo which members in red 6 might have been able to be repaired versus 7 replaced? 8 A. Not from this diagram. 9 Q. Okay. How about from any of the 10 other diagrams in the report, if you want to 11 thumb through them? 12 A. (Witness complies). 13 MR. SNOW: I'm sorry, what 14 exactly are you looking for or asking him to 15 look for? 16 BY MR. ROMAN: 17 Q. If there is any way to tell from the 18 various photos which members might have been 19 repaired or replaced, just from the initial 20 recommendation. 21 A. Well, if you look at appendix 2.1, at 22 the top left of the -- it doesn't show what 23 page number it is, but if you start at the 24 first page of appendix 2.1 -- 25 MR. SNOW: You should see at the</p>

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<p style="text-align: right;">Page 81</p> <p>1 bottom a Bates label. Do you see that in the 2 bottom right corner? 3 THE WITNESS: Okay, it's 2354. 4 BY MR. ROMAN: 5 Q. Okay. 6 A. In the upper left-hand corner of the 7 spreadsheet shows repair. 8 Q. Yep. 9 A. If you go to the next page, 2355, it 10 shows replace. 11 Q. Gotcha. And fair to say this is what 12 the plan, preliminary plans were for the 13 project, right? 14 A. (Witness nods head affirmatively). 15 Q. I'm sorry, that was a yes? 16 A. Yeah, this was -- this represented a 17 game plan for the preliminary -- for the 18 repairs for the project. 19 Q. And fair to say there were some 20 modifications or changes to those plans as the 21 project went on? 22 A. Yes. 23 Q. I think one example you mentioned was 24 the floor system which actually started 25 removing some of the members to get a better</p>	<p style="text-align: right;">Page 83</p> <p>1 MR. SNOW: Exhibit 4? 2 MR. ROMAN: Yes. 3 BY MR. ROMAN: 4 Q. Ready? 5 A. Yes, sir. 6 Q. The document that we marked as 7 Exhibit 4, are these the conformed set of 8 drawings that you referenced? 9 A. To the best of my ability to check it 10 is. 11 Q. Okay. And from what you've seen 12 these would represent sort of the actual plans 13 and the work that was done on the bridge? 14 A. Yes. 15 Q. All right. And there's been some 16 submittals and some draft plans that have been 17 produced in discovery. Fair to say that this 18 set that we're looking at would be the ones to 19 review for what actually was performed 20 ultimately? 21 A. Yes, if it -- you know, just assuming 22 this is the final conformed set and there is a 23 copy of the final conformed set in the 24 documents that were provided. 25 Q. Okay. If we look at the -- it's the</p>
<p style="text-align: right;">Page 82</p> <p>1 look and there were additional -- either 2 additional pieces or some pieces that needed to 3 be replaced that you thought might have been 4 repaired or stuff like that? 5 A. Right, or didn't -- didn't see damage 6 on the initial inspections and found damage. 7 Q. Was there any type of document 8 prepared similar to the one that we're looking 9 at in appendix 2.1 showing ultimately what 10 exact -- what particular member components were 11 repaired, replaced, worked on, after the 12 project was done? 13 A. Not a spreadsheet as this portion. 14 There's a final conformed set of plans which 15 indicate what was repaired or replaced. 16 Q. Okay. 17 (Swanson Exhibit 4 marked 18 for identification by the court reporter). 19 BY MR. ROMAN: 20 Q. Take a look at those. We've marked 21 as Exhibit 4 a set of documents. If you could 22 take a look at those, Mr. Swanson, please. 23 A. (Witness reviews document). 24 Q. And for the record, these are Bates 25 marked NPBL 003798 through 3854.</p>	<p style="text-align: right;">Page 84</p> <p>1 second page of the drawings, the NPBL 003799, 2 if you could sort of explain what this index is 3 representing? 4 A. Okay. The G -- the drawings on the G 5 are general plan drawings. The -- or start 6 with G, they are general plan drawings, 7 basically providing notes and information to 8 the contractor over items that are -- reflect 9 the entire project. 10 The T drawings I believe are demolition 11 and other repair plans. And then the S 12 drawings are the structural drawings. And the 13 M drawings are mechanical drawings. 14 Q. Okay. Were the drawings that are 15 reflected in here, who actually authored those, 16 the drawings, or was it a team of people? 17 A. It was a team of people that did 18 that. 19 Q. Okay. And if we go back to the 20 first, you're listed here as the engineer of 21 record, correct? 22 A. That is correct. 23 Q. And so would ultimately the drawings 24 and the plans that are reflected in this 25 document be signed off and approved by you?</p>

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<p style="text-align: right;">Page 85</p> <p>1 A. Yes, sir.</p> <p>2 Q. Who all was involved in -- who all</p> <p>3 was part of that team that was involved in</p> <p>4 these drawings?</p> <p>5 A. Amanda Ruyack, R-U-C-A-C-K [sic], I</p> <p>6 believe. Barry Keung, Brian Sykes, David</p> <p>7 Derks. And we also had some engineering</p> <p>8 support. They didn't actually produce drawings</p> <p>9 but they produced some engineering work that</p> <p>10 went into this by Dave Marcic, Giacomo</p> <p>11 Mauriello, and Jonathan Hewko.</p> <p>12 Q. Are all of those folks Hardesty &</p> <p>13 Hanover employees?</p> <p>14 A. Yes, sir.</p> <p>15 Q. There's no subcontractors?</p> <p>16 A. No subcontractors.</p> <p>17 Q. And I know we're going to need this</p> <p>18 spelling, Giacomo?</p> <p>19 A. No, Giacomo, what was the -- what was</p> <p>20 the movie something -- anyways, he's Italian.</p> <p>21 And actually H&H is an international company</p> <p>22 and we draw from various offices, and he's</p> <p>23 Italian and works out of our London office.</p> <p>24 Q. Okay. So this was an international</p> <p>25 team you had working on this thing?</p>	<p style="text-align: right;">Page 87</p> <p>1 a plan of what you're -- and we definitely did</p> <p>2 this for the -- this project. We came up with</p> <p>3 a game plan of what we were going to start</p> <p>4 working on first in terms of the drawing</p> <p>5 packages.</p> <p>6 And the first item that we had to be</p> <p>7 cognizant of was to get PCL enough information</p> <p>8 so that they could get their engineering</p> <p>9 subcontractor, McNary Bergeron, start designing</p> <p>10 the temporary work.</p> <p>11 And so on here it shows -- on the 3799 it</p> <p>12 actually shows five packages there. The first</p> <p>13 package was created in the -- well, was the</p> <p>14 first package that was sent out to the Belt</p> <p>15 Line because actually our contract is with the</p> <p>16 Belt Line. We didn't send it directly to PCL,</p> <p>17 but it sort of -- we sent it to the Belt Line</p> <p>18 and then they sent it to PCL. And that was to</p> <p>19 get them starting to work on things they could</p> <p>20 start working on.</p> <p>21 And each of these packages came out like</p> <p>22 two weeks, one after the other, then created a</p> <p>23 full package when it was done.</p> <p>24 So then we came up with details for them</p> <p>25 to start supporting the bridge, that's the</p>
<p style="text-align: right;">Page 86</p> <p>1 A. Yeah, somewhat.</p> <p>2 Q. If we go back to the index, the NPBL</p> <p>3 3799 -- well, actually strike that. Let's go</p> <p>4 to the next page. I think it's the sheet</p> <p>5 number two, NPBL 3800. See the bottom, the</p> <p>6 drawn by, checked by, designed by?</p> <p>7 A. Yep.</p> <p>8 Q. Could you take us through</p> <p>9 interpreting what those boxes mean?</p> <p>10 A. Drawn by is Amanda Ruyack. Barry</p> <p>11 Keung checked it. And Amanda did the design</p> <p>12 work. And this -- this page it doesn't matter</p> <p>13 as much, but she did the design work and that</p> <p>14 was checked by Barry.</p> <p>15 The design -- you know, the design work</p> <p>16 portion of it is the calculations that are not</p> <p>17 really shown on here but are -- well, they are</p> <p>18 shown and what's put on here, but that's a</p> <p>19 separate package. And then the drawn by is the</p> <p>20 CAD work that's done to create these.</p> <p>21 Q. Okay. And what generally is the</p> <p>22 process for designing, drawing, coming up with</p> <p>23 the plans and then reviewing for you internally</p> <p>24 at H&H?</p> <p>25 A. Well, the -- you kind of come up with</p>	<p style="text-align: right;">Page 88</p> <p>1 jacking plan. And that gave the McNary</p> <p>2 Bergeron the forces for them to design the</p> <p>3 temporary bracing from -- we sort of had a</p> <p>4 meeting of the minds about where the bridge</p> <p>5 could be temporarily braced to do the repairs.</p> <p>6 And then we started looking at doing</p> <p>7 repairs or detailing out repairs that the PCL</p> <p>8 could get an outside fabricator to start</p> <p>9 fabricating the material to do the -- to</p> <p>10 actually come up with the repair steel to be</p> <p>11 put in.</p> <p>12 Q. What was McNary Bergeron's role? You</p> <p>13 said that they were the engineer for PCL?</p> <p>14 A. Yeah. On 3802 it's shown as sheet --</p> <p>15 structure one, sheet 21.</p> <p>16 Q. Uh-huh.</p> <p>17 A. You'll notice that there's temporary</p> <p>18 piers marked on this drawing, and the -- where</p> <p>19 it says like 50 kips, or a hundred kips. A kip</p> <p>20 is a thousand pounds in engineering parlance.</p> <p>21 Anyways, the -- this was sort of directing</p> <p>22 McNary Bergeron about where they should design</p> <p>23 temporary work to support the bridge while the</p> <p>24 repairs were being made, and to get this work</p> <p>25 done in a cost -- or a time efficient manner</p>

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1 McNary Bergeron designed all the temporary
2 works and H&H designed the permanent repairs.
3 Q. So you -- H&H was working hand in
4 hand with McNary Bergeron throughout the
5 project?
6 A. Yeah, it was a -- more of an arm's
7 length because we were not, you know, McNary
8 Bergeron was PCL's subcontractor. So, you
9 know, things had to go through the right hands
10 to be correctly gone back and forth. But yeah,
11 we -- we discussed things and had Teams calls
12 that, you know, had folks from all the
13 different parties on just to discuss things.
14 Q. On average, how long -- how much work
15 goes into creating one of these sheets? And
16 I'm sure it differs but --
17 A. We generally figure -- and you know,
18 it depends on what type of project it is, but I
19 think we generally figure it takes between 80
20 and 70 -- 70 and 80 engineering hours to create
21 a sheet.
22 Q. And obviously those hours will be
23 split up among the team?
24 A. Right.
25 Q. At different rates depending upon the

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1 seniority level?
2 A. Yeah.
3 Q. I want to go to the M drawings in
4 package five, the mechanical general notes.
5 A. Okay.
6 Q. What are these drawings reflecting?
7 A. These drawings reflect a proposal to
8 replace the motor brake that was undersized.
9 Q. And that was the undersized motor
10 brake that Mr. Kimmins identified during the
11 June 4th and 5th, 2024 inspection?
12 A. That is true.
13 Q. Do you know when the drawings for
14 this proposal were actually done, like what
15 month?
16 A. No, I would -- I believe either in
17 July or August but I am not certain.
18 Q. Is there any way to tell from any of
19 the drawings like what date they were actually
20 finalized?
21 A. There's only a way to check on them
22 if there was a revision made and those
23 revisions are dated.
24 Q. And would that be a -- like through
25 the submittal process?

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1 A. It could be through the submittal
2 process or it could be the -- there could have
3 been something that was found in the field that
4 needed to be modified -- the plans needed to be
5 modified to field conditions. We were kind of
6 handicapped on this project in that we did not
7 have the original steel fabrication drawings
8 for this bridge.
9 Q. And do you know why you didn't have
10 them?
11 A. I don't know why they -- the Belt
12 Line did not have them. I don't know why they
13 didn't have them, but they didn't have them.
14 Q. You said handicapped, does that mean
15 that more work had to go into the repair
16 project because you didn't have those original
17 drawings?
18 A. A little bit more work on our end and
19 a little bit more communications to make sure
20 that like bolt spacing was the same location
21 where -- that were indicated in the original
22 design drawings.
23 Q. And I saw some references in some of
24 emails that there were documentation issues
25 with the repairs that were done on the bridge

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1 over the years. Do you recall those?
2 MR. SNOW: Object to form.
3 THE WITNESS: Can you be more
4 specific about what kind of repairs?
5 BY MR. ROMAN:
6 Q. I can maybe grab the email later. I
7 frankly don't have it at this point. My
8 question was going to be whether -- and it's
9 not trying to be a memory test, we can grab the
10 email, but whether the referenced documentation
11 issued with the repair records would be
12 separate from those drawings that you just
13 referenced?
14 MR. SNOW: Object to form.
15 THE WITNESS: To my recollection
16 we did not run into any structural repairs that
17 were made in the past that we had to work
18 around.
19 MR. ROMAN: All right. Do you
20 want to take a little lunch break?
21 MR. SNOW: That sounds great.
22 (Lunch recess).
23 BY MR. ROMAN:
24 Q. Mr. Swanson, back to Exhibit 4. With
25 regard to those -- that M package drawings, the

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<p style="text-align: right;">Page 93</p> <p>1 mechanical plans that we were discussing, does 2 any of that work that's -- has any of the work 3 been actually done to implement the drawings? 4 A. Not to my knowledge. I've talked 5 with the -- Charlie Graning with PCL the other 6 day to see if the work had been done, and they 7 didn't do the work. There's a possibility that 8 the Belt Line had it done by somebody else but 9 not to my knowledge. 10 Q. And if that is the case, it would 11 have been using the drawings that are reflected 12 here? 13 A. That's correct. 14 Q. Okay. Are any other of the drawings 15 that are reflected in the index, do any of 16 those drawings or any parts of the drawings 17 reflect planned work that is unrelated to the 18 allision of June 15, 2024? 19 A. No, sir. Everything was related to 20 that. 21 Q. Except for the mechanical drawings as 22 we established were related to the June 4th and 23 5th inspection? 24 A. Yeah. 25 Q. So if we look at S022 and S023, the</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. And then I think you said the span 2 guides as well? 3 A. No, I don't think the span guides 4 will have to be replaced on the permanent 5 repairs. And also we did not replace span 6 guides just -- well, the bearing had to be 7 lifted up on the southeast corner so that we 8 could shift the bridge back into position. 9 To do that work we had to take off the 10 span guide to get another location to grab 11 ahold of the bridge to lift it up. And as part 12 of that work then after that work was done, we 13 had to replace that portion of the span guide. 14 So it wasn't -- it wasn't that there was 15 directly any damage to the span guide there, 16 but it wasn't -- we weren't able to remove and 17 replace the span guide after we did the 18 shifting of the span. So there is a new bottom 19 portion of the span guide there, but that was 20 just so that we could get the jacking 21 arrangement in to move the span back. 22 If you look at NPBL 003847, there's a 23 drawing in the upper left-hand corner showing 24 south tower leg shift. 25 Q. Okay.</p>
<p style="text-align: right;">Page 94</p> <p>1 counterweight guide repairs? 2 A. Yes. 3 Q. Do any of those drawings reflect any 4 type of work that would have been planned or 5 prepared as a result of the June 4th or 5th 6 inspection that looked at some of those 7 counterweight guide issues? 8 A. The -- let me get to the right 9 drawings there. The repairs of tracks or guide 10 tracks that were damaged due to the allision. 11 Eventually when the counterweight work is 12 completed, these tracks probably will have to 13 be replaced again to better fit what the -- how 14 the counterweight is hanging. But these were 15 just done as part of the allision repairs. 16 They had to be repaired because of the 17 allision. 18 And the repairs, the guide track work for 19 after the counterweight is completed, that 20 guide track work will likely be for a longer 21 taller extent of the pier -- or the column, or 22 the tower. 23 Q. So I think you said the counterweight 24 guide rails will have to be likely replaced? 25 A. Yes.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. That beam that shows detail two there 2 had to be temporarily added on to be able to 3 get enough jacking capacity underneath the span 4 to lift the span without damaging the existing 5 span. So to put that on there, we had to 6 remove the span guide and lower portion of that 7 south tower leg. 8 Q. Back to the sheet two, which is the 9 notes for the plans and drawings. 10 A. Okay. 11 Q. Sorry, I'm going to have to strain 12 your eyes, but if we go to the structural steel 13 notes, job conforming to the following unless 14 otherwise noted. And it looks like 1.1 through 15 1.6 -- 16 A. Uh-huh. 17 Q. -- it's requiring that ASTM 8709 18 grade 50 steel that we talked about earlier, 19 correct? 20 A. Correct. 21 Q. How was it determined to use that 22 grade of steel in those particular components? 23 A. That is a grade -- that is the 24 current common grade of steel that is 25 available.</p>

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<p style="text-align: right;">Page 97</p> <p>1 Q. Is that set by an AREMA standard, by 2 the railroad, I mean, how did -- 3 A. That is somewhat set by sort of the 4 whole entire structural steel industry, it's -- 5 that is the common grade of steel that steel 6 mills now produce. If we wanted to get A7 7 steel like what this bridge was originally 8 built for, we would have to get a special order 9 from the mill if that's even -- even available. 10 And there's also -- the A709 or A7, et 11 cetera, steel that that's all American steel 12 testing ASTM, American -- no, American -- 13 anyways, it's the general structural or general 14 material testing that is sort of the gold 15 standard. And there still is a A7 spec out 16 there, but it has changed quite a bit from what 17 was in -- when the steel -- or when this bridge 18 was originally constructed to what is being 19 rolled now. 20 So it's not like an industry -- well, it's 21 kind of the railroad industry, the highway 22 industry, everybody's gone to A709. 23 Q. You said if you had to use the A7, 24 which was the original steel, that would have 25 to be specifically rolled for this project in</p>	<p style="text-align: right;">Page 99</p> <p>1 Q. Yeah, sure. Generally speaking with 2 regard to the ASTM 709 grade 50 steel, what is 3 the expected useful life in your opinion of 4 that type of steel for a railroad bridge? 5 MR. SNOW: Object to form. 6 THE WITNESS: The -- I wouldn't 7 put an exact date on how long that steel would 8 last. 9 BY MR. ROMAN: 10 Q. Would you expect that type of steel 11 to last longer than the A7 that was originally 12 used to build the Main Line Bridge? 13 MR. SNOW: Object to form. 14 THE WITNESS: That's not in the 15 consideration when using one material over the 16 other. 17 BY MR. ROMAN: 18 Q. Yeah, I think just generally. My 19 question was generally speaking as an engineer, 20 do you have any opinion whether the A709 grade 21 50 would last longer than the A7 that was built 22 or used in the 1950s? 23 A. No, I don't have any opinion it would 24 last longer. 25 Q. In your time working for Norfolk</p>
<p style="text-align: right;">Page 98</p> <p>1 all likelihood? 2 A. Yeah, I -- I've never attempted to 3 get the right -- get something of that sort. 4 So I don't know what the availability is, but 5 it's like that's just not -- not a normal 6 available item. 7 Q. Are there any grades of steel between 8 like A7 and the A709 grade 50 that could have 9 been used for the replacement members? 10 A. Not that is readily available. There 11 may be some A36 steel that is still partially 12 available, A36 has 36,000 KSI yield strength. 13 The grade 50 has 50,000 KSI yield strength. 14 Q. At any time did you make any 15 assessment of how long the existing steel on 16 the railroad bridge would have lasted just 17 prior to the allision? 18 A. No. 19 Q. And how about with the new steel that 20 was put in there? Do you have any opinion on 21 how long that steel is expected to last? 22 MR. SNOW: Object to form. 23 THE WITNESS: Can you restate 24 that question? 25 BY MR. ROMAN:</p>	<p style="text-align: right;">Page 100</p> <p>1 Southern as an engineer who's worked on 2 railroad bridges, how many steel railroad 3 bridges have you worked on or been involved 4 with for a project? 5 A. I don't keep track of that, but I 6 could easily say hundreds. 7 Q. Have you ever been asked to by 8 anybody to determine the expected service life 9 of a railroad bridge? 10 A. We did some studies at Norfolk 11 Southern to do some planning with regard to 12 that. 13 Q. Were those studies published? 14 A. No. 15 Q. They were internal proprietary 16 Norfolk Southern studies? 17 A. Right. 18 Q. What did -- well, tell me about the 19 studies. Were you determining like a 20 methodology to use to determine the useful life 21 or was it something where you were looking at 22 various bridges and actually determining what 23 the useful life was? 24 A. We were sort of looking at the age 25 population of bridges and looking at kind of</p>

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1 the capital replacement rate we would have to
2 do.
3 Q. And what were the findings of that
4 study?
5 A. That we were not replacing at a rate
6 that would -- well, the majority of the
7 railroad structures Norfolk Southern had were
8 built between -- steel railroad structures were
9 built between 1900 to 1920. And so, and the
10 majority of those are still out there, so
11 assuming a -- we're well over, assuming a
12 hundred year life on there and getting towards
13 150 and likely it's going to have to be some of
14 structures are going to have a 200-year life.
15 So -- and most of the replacements were based
16 off of a need for higher load capacity as
17 opposed to this bridge is worn out.
18 Q. And so meaning when the bridges were
19 built in the 1900 to 1920 timeframe they had a
20 lower load capacity than what might be needed
21 in the modern era?
22 A. Some of them did, yes.
23 Q. Okay. Did that study or those
24 studies take a look at sort of what the average
25 or typical useful life of a steel railroad

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1 bridge would be that was built in that
2 timeframe?
3 MR. SNOW: Object to form.
4 THE WITNESS: We went in with
5 some assumptions but found out that the
6 assumption -- you know, as I said we weren't
7 replacing them fast enough. So they were
8 getting -- we were getting much longer life out
9 of the bridges than we had expected.
10 BY MR. ROMAN:
11 Q. And if you were asked to determine
12 the expected useful service life of a steel
13 railroad bridge, how would you go about doing
14 that?
15 MR. SNOW: Object to form.
16 THE WITNESS: First, you know,
17 whenever you do any sort of -- you know, work
18 of that sort of stuff, you go back to what kind
19 of guidance the -- like AREMA provides. And to
20 my knowledge there's no guidance in AREMA with
21 regard to that. There may be guidance
22 elsewhere with regard to that but I'm not
23 familiar with those -- those sources.
24 And so I don't know exactly how I'd go
25 about that, probably do a literature search

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1 first. But I haven't been asked to do that, so
2 I wouldn't say I'm qualified to do that.
3 BY MR. ROMAN:
4 Q. And just to be sure, you have not
5 been asked to determine what the expected
6 useful service life of the Main Line Bridge is
7 or was at any time, correct?
8 A. That is correct.
9 Q. And you do not feel that you would be
10 qualified to do so?
11 A. That is correct.
12 Q. What type of engineer in your opinion
13 or I guess -- strike that.
14 What type of professional in your opinion
15 would be qualified to make that type of
16 determination?
17 MR. SNOW: Object to form.
18 THE WITNESS: It would be likely
19 a structural engineer that has worked more in
20 that area than I have.
21 BY MR. ROMAN:
22 Q. And are you differentiating then
23 between a structural engineer and a
24 professional engineer?
25 A. That gets into a kind of two

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1 different areas. A professional engineer at
2 least in the Virginia context is somebody who's
3 licensed by the state. I happen to hold a
4 structural engineer license in the state of
5 Illinois and the state of Georgia which is
6 separate from my professional engineer's
7 license, but I'm more going to somebody who has
8 been trained in structural engineering.
9 Q. Right, and Illinois --
10 A. Education.
11 Q. Illinois is one of the only states in
12 the country that differentiates between
13 structurals and professionals, right?
14 A. There's about a half a dozen states.
15 Q. So that was where my question was
16 going, I just wanted to -- do you view a
17 structural engineer at least as it pertains to
18 Virginia as someone who holds different
19 qualifications than a professional engineer?
20 A. Now you're -- and I don't -- I don't
21 want to really get into some of the legal
22 issues -- or I may not completely understand
23 the legalities but it -- no matter what your
24 engineering training is, you can become a
25 professional engineer in the state of Virginia.

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<p style="text-align: right;">Page 105</p> <p>1 And it's all, you know, if you're electrical 2 engineer, mechanical engineer, civil engineer, 3 structural engineer, that's all a -- you can be 4 licensed as a professional engineer. 5 And so there are folks who hold a 6 professional engineering in the state of 7 Virginia that have a structural engineering 8 background. So it's -- you know, a subset of 9 the professional engineer. 10 Q. What type of experience would you be 11 looking for in a professional that you would 12 view as qualified to make the determination of 13 a railroad -- steel railroad bridge's useful 14 expected service life? 15 MR. SNOW: Object to form. 16 THE WITNESS: I really haven't 17 thought about that. I would have to sort of 18 look at what their past qualifications and what 19 they have done in the past, so I don't know. 20 BY MR. ROMAN: 21 Q. Do you know if there's anyone within 22 Hardesty & Hanover who has made any 23 determinations or opined as to what the useful 24 expected service life of a steel railroad 25 bridge is?</p>	<p style="text-align: right;">Page 107</p> <p>1 Q. Mr. Swanson, we'll mark as Exhibit 5 2 a document that's been produced under the Bates 3 label NPBL 007988, and just take a minute to 4 look at it. Let me know when you're ready. 5 A. Uh-huh. 6 Q. Do you recognize this? 7 A. Yes, sir. 8 Q. And could you describe it for us? 9 A. It is a request from Cannon Moss 10 about a -- if I would have time for a meeting 11 or a quick call with the Belt Line's attorney 12 regarding the useful life of our bridge. They 13 have a deposition tomorrow and I have a few 14 questions. 15 Q. Did you ever respond to Mr. Moss by 16 email to this, to the best that you can recall? 17 A. I don't remember if I -- I am pretty 18 certain I responded to Cannon one way or the 19 other to this, and I believe I indicated that I 20 did have ability to have a quick call. 21 Q. And did you have a call? 22 A. Best of my recollection, yes. 23 Q. And who was all on that call? 24 A. I believe Ryan was on that call and I 25 don't remember who else from his firm was on</p>
<p style="text-align: right;">Page 106</p> <p>1 A. I don't know of anybody specifically 2 in Hardesty & Hanover who have done that. 3 There is more research done in the highway area 4 and there may be folks who have done that work 5 with regard to highway bridges. 6 Q. Have you ever done that type of 7 determination for a highway bridge? 8 A. No, sir. 9 Q. And as part of your involvement in 10 the work that was performed on the bridge after 11 the allision, you reviewed various drawings, 12 construction plans and other documents from the 13 original design and construction of the 14 railroad bridge, right, the Main Line Bridge? 15 A. Yes, sir. 16 Q. Is there anything that you reviewed, 17 is there anything in what you reviewed that 18 indicated what the useful expected service life 19 of the Main Line Bridge was at the time of 20 construction? 21 A. No, sir. 22 Q. Okay. 23 (Swanson Exhibit 5 marked 24 for identification by the court reporter). 25 BY MR. ROMAN:</p>	<p style="text-align: right;">Page 108</p> <p>1 that call. 2 Q. Okay. What did you and Mr. Snow 3 discuss? 4 A. I don't remember exactly what we 5 discussed, but my recollection is that my 6 answer was somewhat similar to your questioning 7 there in that it's hard to tell what the useful 8 life of an existing railroad bridge is. 9 Q. Do you have any opinion either 10 agreeing or disagreeing or another way, as to 11 whether the Main Line Bridge had a indefinite 12 useful service life if it had undergone routine 13 repair and maintenance? 14 A. I agree it would have an indefinite 15 service life. 16 Q. Okay. And what makes you say that 17 you would agree with that statement? 18 A. Because I have seen plenty of 19 railroad bridges that are 40, 50 years older 20 than the Belt Line bridge that are still in 21 good shape and in good service, and so just 22 sort of figuring out that this bridge is 40 to 23 50 years younger than that and maybe slightly 24 better construction than -- since those bridges 25 have an indefinite life, this bridge has a 40</p>

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<p style="text-align: right;">Page 109</p> <p>1 or 50 years more indefinite life.</p> <p>2 Q. And what is it -- what do you mean by</p> <p>3 indefinite? How do you define that?</p> <p>4 A. How I would define that is a -- it</p> <p>5 does not have a fixed service life, that the</p> <p>6 bridge will be able to be functional in the</p> <p>7 medium term, which I would say is approximately</p> <p>8 25, 50 years from now without any, you know,</p> <p>9 major issues.</p> <p>10 Q. And what methodology do you use to</p> <p>11 make that opinion?</p> <p>12 A. Well, that's sort of your -- your</p> <p>13 question there is kind of a contradiction in</p> <p>14 terms. That's an opinion so it does not have a</p> <p>15 methodology behind it.</p> <p>16 Q. Okay. What methodology would you use</p> <p>17 to make that determination, that the Main Line</p> <p>18 railroad bridge has an indefinite service life?</p> <p>19 A. As I said before, I would have to</p> <p>20 study the topic. It's not something that I</p> <p>21 have been -- have a lot of knowledge in about</p> <p>22 exactly what the service life is. It's just,</p> <p>23 I've looked at a lot of railroad bridges and</p> <p>24 it's an opinion, not a hard engineering fact.</p> <p>25 Q. Do all of the railroad bridges that</p>	<p style="text-align: right;">Page 111</p> <p>1 called stringers, those are connected to -- and</p> <p>2 those run parallel to the track directly</p> <p>3 underneath the ties. And then at intervals you</p> <p>4 have floor beams that the stringers frame into</p> <p>5 and the floor beams then carry the load from</p> <p>6 the stringers to the truss on the outside and</p> <p>7 the truss carries the load out to the bearings.</p> <p>8 Q. Are the rails and the ties part of</p> <p>9 the floor system or are those separate?</p> <p>10 A. They are generally not considered</p> <p>11 part of the floor system.</p> <p>12 Q. Okay. What are the -- how do you</p> <p>13 refer to the rail ties in the actual rails</p> <p>14 themselves? Is it like the deck?</p> <p>15 A. Yeah, the ties are generally referred</p> <p>16 to as the deck.</p> <p>17 Q. How long would the deck last</p> <p>18 typically on a steel railroad bridge like the</p> <p>19 Main Line Bridge?</p> <p>20 MR. SNOW: Object to form.</p> <p>21 THE WITNESS: I'm not exactly</p> <p>22 familiar with the conditions of the deck there.</p> <p>23 There are, when I was in the role as a</p> <p>24 assistant division engineer of bridges, there</p> <p>25 were two ways that we determined if a bridge</p>
<p style="text-align: right;">Page 110</p> <p>1 you've reviewed throughout your career have an</p> <p>2 indefinite service life?</p> <p>3 A. Not all of them. Not the ones that</p> <p>4 we replaced. The Genesee Arch bridge that I</p> <p>5 indicated earlier, we were talking about</p> <p>6 earlier, was built in 1873 included in part of</p> <p>7 the construction a lot of wrought iron. And</p> <p>8 the bridge was having significant maintenance</p> <p>9 problems and so we knew it didn't have an</p> <p>10 indefinite service life and we ended up</p> <p>11 replacing it.</p> <p>12 Q. The Main Line Bridge has a floor</p> <p>13 system on it, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And what -- how would you describe</p> <p>16 what all goes into a floor system that -- like</p> <p>17 the one that's on the Main Line Bridge?</p> <p>18 A. Well, the -- in engineering, the --</p> <p>19 or structural engineering, one of the things</p> <p>20 you do is you sort of follow the load path. So</p> <p>21 how to load goes from the track to the piers to</p> <p>22 support it. So the floor system is set up in</p> <p>23 that you have timber ties, which is generally</p> <p>24 not considered as part of the floor system.</p> <p>25 And an underneath that there are steel beams</p>	<p style="text-align: right;">Page 112</p> <p>1 deck was ready to be replaced. One was the</p> <p>2 bridge mechanically couldn't hold the rails in</p> <p>3 the right place or, two, the ties would rot</p> <p>4 out. And you could get various times of a life</p> <p>5 of a deck depending on how much or -- how much</p> <p>6 traffic or what kind of conditions were</p> <p>7 involved in that.</p> <p>8 BY MR. ROMAN:</p> <p>9 Q. Do you know when the deck on the Main</p> <p>10 Line Bridge was installed prior to the one that</p> <p>11 was in place prior to the allision?</p> <p>12 A. I have no knowledge.</p> <p>13 Q. Did you have any involvement in the</p> <p>14 design plans for the deck that was implemented</p> <p>15 on the bridge after the allision?</p> <p>16 A. I helped Adam Reeder with some of the</p> <p>17 dimensions on the ties.</p> <p>18 Q. And the Main Line Bridge had a</p> <p>19 walkway on it, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Do you know why that walkway was</p> <p>22 installed?</p> <p>23 A. No, sir.</p> <p>24 Q. Did you come across any documents or</p> <p>25 have any discussions with anyone indicating</p>

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<p>Page 113</p> <p>1 that the walkway was installed in part to 2 offset the counter imbalance on the counter 3 guide weights? 4 A. No, but I -- I don't see how those 5 two would be tied together. 6 Q. Did you have any involvement in 7 installing the walkway on the Main Line Bridge? 8 A. The -- 9 Q. Let me -- 10 A. I didn't have -- 11 Q. I was going to say let me strike. 12 Did you have any involvement in the 13 project to install the walkway that was on the 14 Main Line Bridge before the incident? 15 A. No. 16 Q. Okay. And how about the walkway that 17 was replaced and installed after the allision? 18 A. I can't recall that we had any 19 involvement in that. We may have had some 20 minor involvement but I don't recall any 21 involvement. 22 Q. Do you recall how many of the -- 23 well, I guess do you have any opinion on what 24 the state or condition of the deck was just 25 prior to the allision?</p>	<p>Page 115</p> <p>1 you'd subpoenaed on the jump drive. And 2 Mr. Snow asked to have a copy of it too and so 3 I ran out and got another jump drive. 4 Q. Did you discuss any documents? 5 A. No. 6 Q. Did you discuss any -- 7 A. Well, we discussed the subpoena 8 document as I said. 9 Q. Sure. I meant did he say hey, take a 10 look at these drawings and ask you questions 11 about it, like I'm doing, anything like that? 12 A. No. 13 Q. Did you discuss any of the testimony 14 of any of the other witnesses provided in the 15 case so far? 16 A. No, sir. 17 Q. Do you have any involvement in the 18 billing process at H&H? 19 A. A Little bit. I mean, sometimes 20 there's -- on the billing document there's a 21 set of like four or five -- or three or four 22 items saying what work was accomplished during 23 that billing period, and generally I'm the one 24 providing that information. 25 Q. Meaning the actual hours worked for</p>
<p>Page 114</p> <p>1 A. I don't know. 2 Q. Have you been asked to make any 3 opinion or determination on that? 4 A. No, sir. 5 Q. Have you had any other discussions 6 with Mr. Snow or anyone from his office other 7 than that one that we just talked about from 8 the April 28th email? 9 A. We had a discussion on Monday just to 10 make sure we knew the right places to show up 11 and just sort of general overall since I hadn't 12 done a deposition for a while about what to 13 expect. 14 Q. All right. How long was that call on 15 Monday? 16 A. I think it was an hour or two. 17 Q. And what did -- what specifically -- 18 was it Mr. Snow and you on the call? 19 A. Correct. 20 Q. And what specifically did you discuss 21 during that call? 22 A. As I said, just sort of the mechanics 23 of getting here, making sure that I knew kind 24 of the rules of engagement for a deposition, 25 and making sure that I had everything that</p>	<p>Page 116</p> <p>1 that particular... 2 A. No, it's -- it's not regarding the 3 hours worked, it's regarding the work that was 4 accomplished. 5 Q. Is there a separate billing 6 department at H&H? 7 A. Yes. 8 Q. All right. 9 (Swanson Exhibit 6 marked 10 for identification by the court reporter). 11 BY MR. ROMAN: 12 Q. We're going to mark Exhibit 6. These 13 are a series of invoices, Mr. Swanson. I 14 organized them on my end. The stack I'm going 15 to give you is not necessarily ordered, but 16 we're just going to run through them in 17 sequential order. 18 MR. ROMAN: And we'll do this as 19 I guess a group 6 instead of -- so we'll call 20 out the Bates numbers and these have been 21 designated confidential under the protective 22 order. 23 MR. SNOW: Okay. Is there a way 24 to describe what that contains? Does it run 25 through like 6003 to something else?</p>

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<p>1 MR. ROMAN: So there are going to</p> <p>2 be -- they are going to jump around, so let</p> <p>3 me -- let's just do this for the record.</p> <p>4 MR. SNOW: Maybe you could say</p> <p>5 the dates of the invoice packages.</p> <p>6 MR. ROMAN: Yeah, so group --</p> <p>7 Swanson group Exhibit 6, the first document is</p> <p>8 going to be an invoice dated July 12th, 2024,</p> <p>9 Bates marked NPBL 2807 through 2821.</p> <p>10 The next document in group 6 will be</p> <p>11 August 1st, 2024 invoice Bates marked NPBL 6003</p> <p>12 to 60065.</p> <p>13 The next document in group 6 is a separate</p> <p>14 invoice dated the 'same day, August 1st, 2024,</p> <p>15 Bates marked NPBL 003054.</p> <p>16 The next document in group 6 is an August</p> <p>17 21st, 2024 invoice Bates marked NPBL 3205 to</p> <p>18 3207.</p> <p>19 The next document in group Exhibit 6 is a</p> <p>20 September 19th, 2024 invoice Bates marked NPBL</p> <p>21 6066 through 6136.</p> <p>22 The next document in group 6 is October</p> <p>23 29th, 2024 invoice Bates marked NPBL 6137</p> <p>24 through 6197 -- I'm sorry, 6198.</p> <p>25 The next document in group 6 is a November</p>	<p>1 The next document is also an invoice -- or</p> <p>2 an invoice is also dated February 21st, 2025.</p> <p>3 That is Bates marked NPBL 5985 through 6002.</p> <p>4 And finally, we have an invoice, the next</p> <p>5 document is April 11th, 2025, Bates marked NPBL</p> <p>6 6546 through 6555.</p> <p>7 BY MR. ROMAN:</p> <p>8 Q. Mr. Swanson, I think you said you had</p> <p>9 a correction to make?</p> <p>10 A. Yes. On many of our clients we</p> <p>11 provide information of what was done during</p> <p>12 that period for the invoice. Looking at these</p> <p>13 invoices -- well, yeah, we do have a progress</p> <p>14 report here. So like I was thinking maybe some</p> <p>15 of these were missing and they may be, some of</p> <p>16 them missing a progress report.</p> <p>17 But on document 2810 of the July 12th it</p> <p>18 shows perform inspection, began analysis and</p> <p>19 inspection findings. That's a typical progress</p> <p>20 report that I provide information for.</p> <p>21 Q. Okay. And in terms of -- so let's</p> <p>22 just take a look at that NPBL 2807, the front</p> <p>23 page. It looks like it's signed by Anna</p> <p>24 Volynsky, CFO?</p> <p>25 A. Yeah.</p>
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<p>1 21st, 2024 invoice Bates marked NPBL 2545 to</p> <p>2 2546.</p> <p>3 The next document is a December 26th, 2024</p> <p>4 invoice Bates marked NPBL 3537 through 3539.</p> <p>5 The next is an October 29th, 2024 invoice</p> <p>6 Bates NPBL 2547 through 2552.</p> <p>7 Next is another invoice dated December 26,</p> <p>8 2024 Bates marked 3534 --</p> <p>9 MR. SNOW: I don't have that.</p> <p>10 MR. ROMAN: -- through 3536.</p> <p>11 MR. SNOW: Do you have that one?</p> <p>12 THE WITNESS: Yeah, I --</p> <p>13 MR. ROMAN: We can go off for one</p> <p>14 second.</p> <p>15 (Off-the-record discussion).</p> <p>16 MR. ROMAN: So there's four more</p> <p>17 documents to go in group 6. The first one</p> <p>18 actually starts with an email from Mr. Moss to</p> <p>19 Lisa Hamaker and that runs from NPBL 5984</p> <p>20 through 5996. And if we look on the second</p> <p>21 page of this document, NPBL 5985, it is an</p> <p>22 invoice dated February 21st, 2025.</p> <p>23 The next document in group 6 will be NPBL</p> <p>24 6295 through 6298, an invoice dated February</p> <p>25 1st, 2025.</p>	<p>1 Q. That's the cover letter. Then we see</p> <p>2 the invoice that goes on to page 2808, 2809,</p> <p>3 and then behind it are detailed expense</p> <p>4 reports.</p> <p>5 But in terms of generating this actual</p> <p>6 invoice, are you involved in generating that at</p> <p>7 all or is that done by like the billing</p> <p>8 department?</p> <p>9 A. That is done by the billing</p> <p>10 department.</p> <p>11 Q. Are you generally familiar with the</p> <p>12 process that H&H's billing department uses to</p> <p>13 generate these invoices?</p> <p>14 A. In a sort of high level manner in</p> <p>15 terms of I know that the -- we submit our time</p> <p>16 and our expense reports through a computerized</p> <p>17 system and then the accounting department in</p> <p>18 New York comes up with a invoice that is</p> <p>19 approved. And as part of that invoice process</p> <p>20 they ask us, you know, what we performed during</p> <p>21 that time period.</p> <p>22 And so that's sort of a high level of what</p> <p>23 my understanding of the process is.</p> <p>24 Q. And how do you enter time into the</p> <p>25 system at H&H?</p>

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<p>1 A. Daily I can go in there and put in 2 how much hours I spent on each project and, 3 like the project number 6498.00, I'll enter 4 that into my time sheet and then put the time 5 in there. 6 Q. And that 6498.00-01, is that like a 7 file number, internal file number at H&H? 8 A. Yeah, the 6498 is an internal file 9 number. 00 is the number that was assigned for 10 the initial inspection, mechanical and 11 electrical inspection, and the dash 01 12 indicates this is the first invoice for that 13 work. 14 Q. Okay. The 6498, is that a reference 15 to the client or project? 16 A. It can be either. Typically, if we 17 have a project, a client that we have a 18 longstanding service contract with, it will be 19 the client. If it's a client that we've got a 20 one-off project on or if it's an extremely 21 large project it will get a different number. 22 Q. Okay. And looking at the July 12th, 23 2024 invoice for \$24,470, invoice number 24 6498.00-01, I think you said this invoice 25 relates to that guide rail and inspection that</p>	<p>1 experience and responsibility. 2 Q. And that would be, an engineer 1 3 would be the lowest ranking seniority? 4 A. Yeah. 5 Q. Engineer 9 would be the highest 6 ranking seniority? 7 A. Right. 8 Q. And I take it the hourly rates 9 associated with the various levels of engineers 10 increases as you go up 1 through 9? 11 A. Yes, sir. 12 Q. Okay. Let's go to the next one which 13 starts at -- it's the August 1, 2024, NPBL 14 6003. 15 A. Okay. 16 Q. Here it looks like it's a different 17 invoice number. It's 6498.01-01. Do you see 18 that on the cover letter? 19 A. Yes, sir. 20 Q. And what is the significance in the 21 difference between this invoice file number and 22 the one that we were just looking at? 23 A. If you look in the regarding part of 24 the letter, the third line is repair of vessel 25 collision. And if you look at the July 12th</p>
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<p>1 occurred on June 4th and 5th of 2021? 2 A. Correct. 3 Q. So that would be unrelated to the 4 allision of June 15th, 2024? 5 A. That is correct. 6 Q. So this amount should not be included 7 in the Belt Line's claim for repairs done as a 8 result of the allision, correct? 9 A. That is correct. And to clarify a 10 matter that I had not been able to answer 11 earlier, Jason Ambrose that is shown on this 12 invoice was the electrical engineer for that 13 inspection. 14 Q. And you -- I guess you're referencing 15 the 2809, the professional personnel? 16 A. Yes. 17 Q. Okay. See the titles there, looks 18 like engineer 4, engineer 6, next to those 19 gentlemen's names? 20 A. Yeah. 21 Q. How many levels of engineers are 22 there at H&H? 23 A. I believe that there's nine levels 24 and it is a system that was created by the 25 American Society of Civil Engineers based on</p>	<p>1 that's guide rail inspection. So the 01 2 projects are based on the vessel collision. 3 Q. Is it fair to say that any invoice 4 with the reference number 6498.00 dash whatever 5 the invoice number is, that those are related 6 to the inspection project and are unrelated to 7 the repair of vessel? 8 A. That's correct. 9 Q. All right. Let's go on to the next 10 page, NPBL 6004. If you could take me through 11 this chart that we see and interpret what we're 12 looking at here. 13 A. Okay. Yeah, as we talked about 14 before, we had come up with a not-to-exceed 15 amount that we provided -- or not-to-exceed 16 estimate that we had provided to the Belt Line 17 for the inspection. And that is where it says 18 contract amount, that 155,000, that is the 19 not-to-exceed amount. The labor and expenses 20 there are what we had estimated for the labor 21 and expenses for that and for the ARE 22 corporation. That is what our subcontracting 23 expenses were. 24 And as you can see on the remaining budget 25 there, we had exceeded that not-to-exceed</p>

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<p style="text-align: right;">Page 125</p> <p>1 amount. And about that same time I sent a 2 letter to Cannon saying, you know, we're 3 starting to work on the repairs, this is what 4 the total cost is going to be. 5 Q. And that line item for ARE Corp, 6 27,942.20, I think earlier you said that was 7 mainly for the drone inspection? 8 A. Yeah, that was what it was for. 9 Q. NPBL 6005. 10 A. Uh-huh. 11 Q. Do you know or can you interpret from 12 this page or anything else in the invoice what 13 these particular professionals did for this 14 invoice period? 15 A. Okay. As I said before, Jonathan 16 Hewko did some structural analysis for us. 17 Barry Keung was involved in the inspection. 18 Travis Kimmins somewhat was involved with the 19 inspection also. David Marcic was involved 20 with some of the analysis. Giacomo was also 21 involved with the analysis. 22 Steve Malczewski, he is a mechanical 23 engineer who is very, very familiar with 24 movable bridges. And at this stage of the game 25 we were calling in all the people that had --</p>	<p style="text-align: right;">Page 127</p> <p>1 A. Okay. You know, first item we 2 responded to the vessel collision. As we've 3 talked about before, we talked with the 4 contractor to stabilize the existing structure. 5 We performed an inspection and determined the 6 amount of damage and started developing repair 7 plans. 8 We did meetings. We started developing 9 loading for the temporary conditions to figure 10 out how we're going to support the bridge. And 11 we provided reports and recommendations and 12 then we started designing repairs, so -- 13 Q. As best as you can recall and by 14 reviewing this document, did the begin 15 designing the repairs involve any work on the 16 drawings for the mechanical components of the 17 lift bridge that we were talking about earlier? 18 A. No, it would not have. 19 Q. Okay. And I believe the next one 20 is -- 21 A. That appears to be the same. 22 Q. Same one just incomplete it looks 23 like, right? 24 A. Yeah. 25 Q. Okay. All right. I think the next</p>
<p style="text-align: right;">Page 126</p> <p>1 were kind of our movable bridge experts in the 2 company to make sure that we were moving 3 forward in the right plan. So that's why 4 Malczewski's time is there. 5 Tim Noles as I said before was out for one 6 of the inspections. He is also one of our high 7 level engineers. 8 Pete Rudy is our chief engineer of 9 structures and he is nominally over Amanda, 10 Brian and Barry. And so that's why his time 11 was in there. 12 Amanda was not out at the inspection, but 13 she developed things in-house in New York City 14 for this project. 15 Brian was -- did the inspection. I was 16 involved in the inspection and sort of overall 17 coordinating things. And Paul van Hagen is 18 Giacomo's supervisor, and I don't exactly 19 understand why both of them are shown under 20 engineer 1s. And quite frankly, I think you 21 guys got a good deal on that. 22 Q. Fair enough. Looking at the progress 23 report, if you could take us through and 24 interpret what work is reflected and invoiced 25 on this particular document.</p>	<p style="text-align: right;">Page 128</p> <p>1 one I have is August 21st, 2024. 2 A. Okay. 3 Q. If we look at this one, this is the 4 invoice for 133,454. I don't see a progress 5 report on this one. 6 A. Yeah, I don't know how that happened. 7 Q. By looking at this invoice, does it 8 refresh your recollection or can you recall 9 what work H&H was performing during this 10 particular period? 11 A. We continued developing plans. I 12 don't know what else I can tell you with regard 13 to that. 14 Q. Would you need to review the progress 15 report to probably refresh your recollection? 16 A. Yeah, I -- I'd probably -- in the 17 drawings we showed the different packages, 18 packages one through 5, and those were on 19 consecutive dates. And so in the 20 documentation, I mean, there's definitely an 21 email going out when we released each package 22 and I can somewhat match those up between the 23 two. 24 Q. And just I think you were taking a 25 look at Exhibit 4 which are the drawings. And</p>

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<p style="text-align: right;">Page 129</p> <p>1 did you say that those went in sequential 2 order? 3 A. Right. 4 Q. So package 1, it went package 1, 2, 5 3, 4 and 5? 6 A. Right, approximately let's say two 7 weeks between them. 8 Q. Okay. Generally if we take a look at 9 those emails with the submittals, when 10 you're -- and line those up we can probably 11 align with the amount of work? 12 A. Yeah. 13 Q. Is it fair to say that the designs, 14 the drawings was the lion's share of the work 15 that was going on for Hardesty & Hanover? 16 A. Yes, I mean, and probably 60 percent 17 of -- well, after the inspection -- you know, 18 it varied over time, you know, when we did the 19 initial inspection that was a huge amount of 20 the time. But by the time we were getting to 21 this invoice here, it was the design 22 calculations and the drawings. And the design 23 calculations probably were 30 percent of the 24 time with the drawings remaining 70 percent. 25 Q. Okay. Looking at NPBL 6066, the</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. Next document is the October 29th 2 invoice I think, starting at NPBL 6137. 3 Progress report starts on 6141. If you could 4 take us through what work H&H performed during 5 this period? 6 A. Okay. I think we were finishing up 7 the -- we did do some temporary design for the 8 shifting of the front tower leg. I believe we 9 were finishing up that work at this time, and I 10 was going out, the travel that I had up to 11 Norfolk there, was going out and checking on 12 what the -- how the contractor was progressing 13 and making sure everything was working out 14 correctly. 15 Q. Okay. 16 A. That's that field support during key 17 repair activities. 18 Q. As best as you can tell from 19 reviewing this invoice and your recollection, 20 does any of the work reflected in this period 21 relate to the drawings for the mechanical 22 components we were talking about earlier? 23 A. The only person that I could see that 24 possibly would be involved in that would be 25 Travis Kimmins' hours there. Other than that,</p>
<p style="text-align: right;">Page 130</p> <p>1 document starting there, the September 19th, 2 2024 invoice for \$92,722.51, looks like there 3 are detailed timesheets for the first few 4 pages. The progress report is at page marked 5 NPBL 6074. If you could review that and then 6 tell us the best of your recollection what work 7 was done in this period. 8 A. We were still repairing -- still 9 providing repair, drawing packages, and getting 10 and talking with the contractor to make sure 11 things were lining up right. 12 Q. Number four said continued structural 13 analysis of temporary conditions. Is that some 14 of the work that you were discussing earlier 15 where you were doing with McNary Bergeron? 16 A. Yeah. 17 Q. Okay. As best as you can tell from 18 this invoice we're looking at for the period 19 August 10th, 2024 through September 6th, 2024, 20 does any of the work relate to the drawings for 21 those mechanical components we were talking 22 about earlier? 23 A. I'm not exactly certain. That may be 24 tied to the time for Christine Sidorski but I'm 25 not certain about that.</p>	<p style="text-align: right;">Page 132</p> <p>1 I don't see that. 2 Q. Okay. Next invoice is November 21st, 3 2024, NPBL 2545. This is an invoice for 4 \$44,825.96. I don't see a progress report on 5 this one, Mr. Swanson. Can you tell what work 6 is reflected for this particular period? 7 A. It is hard to tell without the 8 additional documentation. I'm not going to 9 make any suppositions. 10 Q. Okay. Next one is the December 26, 11 2024. I also don't see a progress report. Can 12 you tell what work was reflected in this one? 13 A. Yes. And we -- we had some staff 14 onsite to help with getting the bridge started, 15 so you've got Jason Ambrose, Teddy, Alex Noble 16 and Bill Stickle, and they are -- that's a 17 group of both mechanical engineers and 18 electrical engineers. 19 And they were -- they are onsite when the 20 bridge was originally opened after the allision 21 to make sure that there wasn't anything that 22 was really messed up with the bridge in terms 23 of electrical load or if they foresee -- or saw 24 any mechanical problems. 25 The other thing is that we -- to start out</p>

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<p style="text-align: right;">Page 133</p> <p>1 with and caution, we had the bridge operated at 2 a slower speed to begin with. And I believe 3 our folks helped the Belt Line get the bridge 4 to the point where it could operate at a slower 5 speed. 6 And I'm not -- let's see here. Yeah, 7 there's -- and we had folks out helping with 8 the electrical and mechanical systems and 9 getting it -- the bridge going twice. 10 And so we -- our reimbursable expenses 11 don't necessarily fall in line with the same 12 time as the labor. And so if you see Teddy 13 Kostadinov has only a half hour of professional 14 services in the November 2nd through November 15 29th, but he's got a whole bunch of expenses in 16 October. His labor tied with that expenses 17 probably was with the previous invoice, and so 18 that's tied in in there. 19 Q. Okay. I think the next one is 20 November 21st, 2024. Can you take a look at 21 that and let me know if you can discern what 22 work H&H performed during this period? 23 A. Wait a second. Which one? What's 24 the number? 25 Q. It's 2545, NPBL 2545. It's just a</p>	<p style="text-align: right;">Page 135</p> <p>1 that is an invoice that relates to the guide 2 rail inspection noted by the 6498.00? 3 A. Correct. 4 Q. All right. So we can -- Mr. Snow 5 thought I was joking off record, but we can 6 throw this one out, right, as unrelated to the 7 Main Line Bridge repairs from the collision? 8 MR. SNOW: Does this invoice 9 relate to the mechanical inspection then? 10 THE WITNESS: Right, the one 11 that -- the one that is -- well, there's two 12 that are December 26. 3534 and 3537, right? 13 BY MR. ROMAN: 14 Q. Right, 3537 is for repair and vessel 15 collision. That's \$25,643.70, right? 16 A. Right. So -- 17 Q. Yeah, and then the -- 18 A. 882 compared to 25,000, I mean I'd 19 rather take the 25,000. 20 Q. Well, me too, but Mr. Snow and I will 21 have to work that out later. 22 MR. SNOW: He's just trying to 23 clarify, so the question was whether the one 24 for 882 that says invoice number 6498.00-04, is 25 one for the mechanical inspection --</p>
<p style="text-align: right;">Page 134</p> <p>1 two-pager. 2 A. Okay. 3 Q. I don't know what happened with this 4 one. 5 A. Well, that's the -- isn't that the -- 6 yeah, we looked at NPBL 6137. 7 MR. SNOW: I think we already did 8 2545. 9 THE WITNESS: That's the same 10 invoice. 11 BY MR. ROMAN: 12 Q. There was one duplicative in there. 13 A. October 29th is my birthday so that 14 just -- the fact that you had two of them 15 there, that just caused me to -- 16 Q. So I'm looking at 2545 as the 17 November 21st, 2024 (indicating), just the two 18 pages. 19 A. Oh, okay. 20 Q. 2547 is the duplicative. 21 A. Yeah, I don't -- there's not enough 22 detail for me to be able to tell you what went 23 on here. 24 Q. Okay. And then NPBL 3534, the one 25 for a grand total of \$882, would you agree that</p>	<p style="text-align: right;">Page 136</p> <p>1 THE WITNESS: Correct. 2 MR. SNOW: -- unrelated to the 3 allision, right? 4 THE WITNESS: Right. 5 MR. ROMAN: Thanks, counsel. 6 BY MR. ROMAN: 7 Q. All right. Next one, this is the one 8 that starts with the email on top, Bates marked 9 5984. And then the cover letter for the 10 invoice starts on 5985. And again, this is 11 February 21st, 2025. And do you agree with me 12 that this one is related to the guide rail 13 inspection and is unrelated to the allision 14 repairs? 15 A. That's correct. 16 Q. Okay. All right. Then the next one 17 is also a February 21st, 2025 invoice Bates 18 marked NPBL 6295 in the amount of \$6,176. Can 19 you tell from looking at this invoice what work 20 was performed during this period which is 21 January 11, 2025 through February 7, 2025? 22 A. Oh, it's on the 6298. We provided 23 the final punch list to the contractor on 24 January 29th and there were some issues with 25 the counterweight guide supports that we helped</p>

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<p style="text-align: right;">Page 137</p> <p>1 the Belt Line with.</p> <p>2 Q. And the January 29th date that you</p> <p>3 provided the final punch list, would that</p> <p>4 reflect the date of the completion of the</p> <p>5 project for H&H?</p> <p>6 A. Not necessarily. Generally, after a</p> <p>7 project like this we would go in and provide</p> <p>8 a -- the final conformed set of plans with all</p> <p>9 the documents there, make sure that the owner</p> <p>10 had all the submittals and RFIs and basically</p> <p>11 it's finishing up paperwork.</p> <p>12 MR. ROMAN: Okay. Why don't we</p> <p>13 take a little bit of a break. How does that</p> <p>14 sound?</p> <p>15 THE WITNESS: Okay, that sounds</p> <p>16 good to me.</p> <p>17 (Brief recess).</p> <p>18 (Swanson Exhibit 7 marked</p> <p>19 for identification by the court reporter).</p> <p>20 BY MR. ROMAN:</p> <p>21 Q. Mr. Swanson, I put Exhibit 7 in front</p> <p>22 of you, but very quickly I think I missed two</p> <p>23 on group 6. Both February 21st, 2025 invoices.</p> <p>24 The first one is NPBL 6295, \$6,176. Do you see</p> <p>25 that one?</p>	<p style="text-align: right;">Page 139</p> <p>1 Are there any reasons that this was submitted</p> <p>2 in October as opposed to sooner after the June</p> <p>3 4th/5th date?</p> <p>4 A. Other than there's a lot of draw</p> <p>5 bridges that have a lot of issues that our</p> <p>6 people seem to get busy with.</p> <p>7 Q. Okay. Who actually authored this</p> <p>8 document if you know?</p> <p>9 A. I am not certain exactly who authored</p> <p>10 this and it likely was authored by a</p> <p>11 combination of Kevin Ciampi and Travis Kimmins.</p> <p>12 Q. If we go on to page two and it looks</p> <p>13 like we have paragraphs one through 11 there.</p> <p>14 It says just prior to that, based on the</p> <p>15 inspection findings H&H has the following</p> <p>16 recommendations. The first is they replace the</p> <p>17 ten inch thruster brake with a nineteen inch</p> <p>18 thruster break. The existing motor brake is</p> <p>19 significantly undersized and has been adjusted</p> <p>20 well beyond its rate of torque.</p> <p>21 Did I read that correctly?</p> <p>22 A. That's correct.</p> <p>23 Q. And we discussed that particular</p> <p>24 project a bit today, correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 138</p> <p>1 A. 6295, yes.</p> <p>2 Q. Okay. Can you discern from looking</p> <p>3 at this one what work Hardesty & Hanover did --</p> <p>4 I'm sorry, strike that. We looked at this one.</p> <p>5 I missed the other February 21st, 2025</p> <p>6 invoice, the one starting NPBL 5985, \$1,436.96.</p> <p>7 Fair to say this one related to the guide rail</p> <p>8 inspection?</p> <p>9 A. Yes, sir.</p> <p>10 Q. All right. And is unrelated to the</p> <p>11 allision repair?</p> <p>12 A. Correct.</p> <p>13 Q. Let's take a look at what we've</p> <p>14 marked as Exhibit 7. It's in front of you,</p> <p>15 the --</p> <p>16 A. Okay.</p> <p>17 Q. Do you recognize this document?</p> <p>18 A. Yes.</p> <p>19 Q. Could you describe it?</p> <p>20 A. This is the mechanical inspection</p> <p>21 report based on the mechanical inspection that</p> <p>22 H&H performed.</p> <p>23 Q. Okay. And we see at the top on page</p> <p>24 115 of the document, NPBL 6813, the top in red,</p> <p>25 draft submission for NPBL review, October 2024.</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. And part of that was H&H doing the</p> <p>2 design repairs which are included in those</p> <p>3 drawing sets that we discussed?</p> <p>4 A. Correct.</p> <p>5 Q. All right. Then number two is</p> <p>6 replace the counterweight ropes. In the 1983</p> <p>7 counterweight rope replacement, all of the</p> <p>8 counterweight ropes were replaced but only two</p> <p>9 tower sheaves were replaced. Given the current</p> <p>10 condition of the counterweight sheave grooves</p> <p>11 and the limited hub material available to be</p> <p>12 machined to recondition the sheave groups. It</p> <p>13 is recommended that all four counterweight</p> <p>14 sheaves and trunnion shafts be replaced as part</p> <p>15 of the work. The rope should be replaced in</p> <p>16 the next five years. However, with the</p> <p>17 contractor currently mobilized consideration</p> <p>18 should be given to replacing the ropes in the</p> <p>19 near term. Care should be taken to specify</p> <p>20 ropes of a similar weight/construction given</p> <p>21 the lack of auxiliary counterweight/balance</p> <p>22 chains.</p> <p>23 Did I read that correctly?</p> <p>24 A. Yes, sir.</p> <p>25 Q. All right. How was it determined</p>

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<p>1 that the ropes should be replaced in the next 2 five years? 3 A. By the wear of the ropes, there's -- 4 if you can refer to picture M3 which is on 6821 5 you can see flat spots on the -- the metal wire 6 ropes here. You know, it says that there's 7 crown wear. That means that the -- where it 8 should be rounded off on top that it's now 9 flattened out. 10 So that's the reason why they said that. 11 Q. Moving down to number three it says 12 if the counterweight ropes and sheaves are not 13 replaced in the near term, perform ultrasonic 14 testing on all of the counterweight sheave 15 trunnion shafts. 16 Did I read that accurately? 17 A. That is correct. 18 Q. And would that be a repair to do in 19 the event that NPBL decided not to go forward 20 with the recommended plan to replace all the 21 ropes? 22 A. Yes, or that would be if they 23 determined not to replace the shivs, the -- on 24 the NPBL 6816 which is the next page it shows 25 the tower shiv shaft. The shiv where it shows</p>	<p>1 Did I read that accurately? 2 A. That is correct. 3 Q. And what -- were there additional 4 failures that were -- to your knowledge that 5 are not specifically listed here in 6 parentheses? 7 A. Not to my knowledge. 8 Q. Okay. Number eight, if the main 9 drive machinery gets rehabilitated in the 10 future, replace the asbestos hand break with a 11 modern thruster break. 12 Did I read that correctly? 13 A. That's correct. 14 Q. And what's the main drive machinery 15 that's referenced in this? 16 A. That is the machinery that is used to 17 raise and lower the span. 18 Q. Has H&H made any type of evaluation 19 of that machinery? 20 A. Sort of offhanded, I shouldn't say 21 offhanded, but the -- we were talking about the 22 load testing of the machinery. That would 23 provide indication there of problems with that 24 machinery. 25 Q. Okay. Have you had any discussions</p>
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<p>1 one foot four -- well, the six inches one foot 2 four and the six inches, the big pulley or what 3 we call the shiv is mounted at that location. 4 The -- where it shows the half inch 5 radius, there is a possibility of cracking in 6 that location. And so the ultrasonic testing 7 is a -- if they weren't going to replace it 8 right offhand they need to test that location 9 to make sure that there isn't any cracking 10 going on at that location. 11 Q. Okay. Fair to say four and five 12 discuss the lubrication on the counterweight 13 ropes a little bit what we discussed earlier? 14 A. Right. 15 Q. And then number six says consider 16 installation of an auxiliary counterweight or 17 balance chain to at least partially balance out 18 the uneven counterweight rope weight. This 19 would reduce wear and tear on the machinery and 20 decrease the likelihood of future mechanical 21 failures similar to the ones previously 22 experienced, parentheses, bevel gear failures, 23 operating rope failures, et cetera. If desired 24 H&H could evaluate the feasibility of auxiliary 25 counterweights and/or balance chains.</p>	<p>1 with the Belt Line about proceeding with 2 repairs or modification of that machinery? 3 A. We have not talked with -- this is 4 sort of an either/or situation, the 30 percent 5 plans that we are working on developing for the 6 Belt Line currently should include, I believe 7 we're looking at doing the auxiliary 8 counterweighting which will reduce the load on 9 the machinery and therefore basically take care 10 of this problem. 11 Q. Okay. No firm plans to do it yet, 12 though, is that fair? 13 A. The -- please define fair or -- 14 Q. I guess H&H hasn't been formally 15 retained to actually proceed with the project 16 yet? 17 A. We have been retained to develop 30 18 percent plans. There's some additional things 19 going on with the Belt Line that they more than 20 likely will develop -- or go for the 100 21 percent plans, but at this point they don't 22 want to proceed with that. 23 Q. Fair enough. Number 10, consider the 24 installation of a buffer hard stop to prevent 25 the span from being able to over-travel.</p>

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<p style="text-align: right;">Page 145</p> <p>1 Did I read that correctly?</p> <p>2 A. Yes.</p> <p>3 Q. What does that refer to?</p> <p>4 A. Well, we were talking about -- or we</p> <p>5 put timber blocking underneath the</p> <p>6 counterweight to prevent it from going up</p> <p>7 further if -- if the brakes failed. This would</p> <p>8 do the same thing with a hard stop to prevent</p> <p>9 the span from moving farther than it was</p> <p>10 supposed to.</p> <p>11 Q. Okay. And then 11 is perform the M&E</p> <p>12 inspection once the tower is realigned to</p> <p>13 verify machinery/CTWT alignment and to confirm</p> <p>14 the electrical systems are still functioning as</p> <p>15 intended.</p> <p>16 Did I read that accurately?</p> <p>17 A. Yeah, and the CTW is the abbreviation</p> <p>18 for counterweight.</p> <p>19 Q. It says once the tower is realigned,</p> <p>20 is that a reference to once the tower is</p> <p>21 realigned from the allision?</p> <p>22 A. It appears that that may be one way</p> <p>23 to read that. I can also read that as once the</p> <p>24 counterweight sheaves and counterweight</p> <p>25 trunnions have been replaced, make sure that</p>	<p style="text-align: right;">Page 147</p> <p>1 them and seeing that they were worn.</p> <p>2 Q. Okay. If we look at the photo on the</p> <p>3 front of the report, 6813 is the Bates --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- do you know when that photograph</p> <p>6 was taken?</p> <p>7 A. I do not know when that photograph</p> <p>8 was taken, although I would assume that it was</p> <p>9 taken during the inspection on June 4th and</p> <p>10 5th. And the reason -- well, no, I can't even</p> <p>11 make sure that that is the June 4th or 5th</p> <p>12 inspection because it appears to be facing</p> <p>13 eastward and from the west tower. And all the</p> <p>14 work with regard to the allision would have</p> <p>15 occurred behind where this person is standing.</p> <p>16 So although we know it didn't happen right</p> <p>17 after the allision because the span would have</p> <p>18 been in the raised position. And I don't think</p> <p>19 that Travis went back out there or one of those</p> <p>20 guys went back out there just to take this</p> <p>21 picture after the bridge was back in service.</p> <p>22 So just not knowing for certain when this</p> <p>23 picture was taken, I would strongly suspect it</p> <p>24 was taken during that June inspection.</p> <p>25 Q. And if we go to NPBL 6819 it's a</p>
<p style="text-align: right;">Page 146</p> <p>1 there's a final M&E inspection to make sure</p> <p>2 everything is working correctly.</p> <p>3 Q. Okay. To your understanding has any</p> <p>4 such inspection occurred as we sit?</p> <p>5 A. I think these recommendations should</p> <p>6 be read as sequentially. So that would</p> <p>7 basically say that after one through ten have</p> <p>8 been performed or a version of one through ten</p> <p>9 have been performed, that that's a -- let's</p> <p>10 check and make sure everything is aligned</p> <p>11 correctly after things are done.</p> <p>12 Q. Okay. On to page four of the report,</p> <p>13 NPBL 6816. Second sentence under the</p> <p>14 counterweighted ropes is the counterweight</p> <p>15 ropes are nearing the end of their useful life.</p> <p>16 Do you know whether or not anyone from H&H</p> <p>17 has run any calculations as to what that useful</p> <p>18 life was for the counterweight ropes?</p> <p>19 A. To my knowledge they have not run</p> <p>20 exact determination of what the useful life is.</p> <p>21 Q. Do you know how H&H determined that</p> <p>22 the ropes were nearing the end of their useful</p> <p>23 life?</p> <p>24 A. Through that -- to my understanding</p> <p>25 through that visual inspection just looking at</p>	<p style="text-align: right;">Page 148</p> <p>1 photo M1, titled West Counterweight Hanging Out</p> <p>2 At an Angle. Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Was this photograph taken as part of</p> <p>5 the June 4th or 5th inspection?</p> <p>6 A. Yes, likely.</p> <p>7 Q. And we see it looks like there's two</p> <p>8 arrows that are superimposed on the photograph</p> <p>9 on the top side pointing to what looks to be a</p> <p>10 gap.</p> <p>11 A. Uh-huh.</p> <p>12 Q. And then on the bottom right looks to</p> <p>13 be where the counterweight is rubbing against</p> <p>14 the guide rails?</p> <p>15 A. Yes.</p> <p>16 Q. And earlier we are talking about that</p> <p>17 that counterweight was rubbing up against those</p> <p>18 rails, right?</p> <p>19 A. Right.</p> <p>20 Q. Due to the imbalance. Could that</p> <p>21 rubbing when the lift system goes up and down,</p> <p>22 could that impact the integrity of those</p> <p>23 components that it's rubbing against?</p> <p>24 A. To a limited extent.</p> <p>25 Q. And what do you mean by limited</p>

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<p style="text-align: right;">Page 149</p> <p>1 extent?</p> <p>2 A. Those components are structural T</p> <p>3 sections and so -- and the -- if you think</p> <p>4 about a capital T, the portion that is rubbing</p> <p>5 next to the counterweight is the vertical leg</p> <p>6 of the T. And so, you know, you will get wear</p> <p>7 on what would be the bottom leg of that</p> <p>8 vertical T.</p> <p>9 And so if you -- I don't remember, the T</p> <p>10 section is probably -- that vertical leg is</p> <p>11 like three inches. And if you lose a half inch</p> <p>12 of that T section, yes, you are reducing the</p> <p>13 structural capacity of that T section. But</p> <p>14 it's not like what you would have if you lost,</p> <p>15 you know, the top bar of the T.</p> <p>16 Q. Just when you're referring to the T</p> <p>17 section, can you point that out anywhere in the</p> <p>18 photo?</p> <p>19 A. It's hard to see on the photo. Can</p> <p>20 we go back to --</p> <p>21 Q. You can go back to anything you want.</p> <p>22 A. -- Exhibit 4. It is 3823.</p> <p>23 MR. SNOW: Which sheet is that?</p> <p>24 THE WITNESS: Sheet 42. Okay.</p> <p>25 In the bottom right-hand corner there's a item</p>	<p style="text-align: right;">Page 151</p> <p>1 the page. So this shows that there's -- that</p> <p>2 this either would need to be polished or</p> <p>3 re-machined to reduce friction.</p> <p>4 Q. Okay. And then photo, we talked</p> <p>5 about photo M3, but M4 which is on the NPBL</p> <p>6 6822, looks like it's -- there's a notation</p> <p>7 main counterweight sheave grooves measured with</p> <p>8 a worn groove gauge, note the gap between the</p> <p>9 gauge and the sheave groove indicates a worn</p> <p>10 groove.</p> <p>11 A. Right.</p> <p>12 Q. Where is the worn groove? Is it</p> <p>13 where the arrow is?</p> <p>14 A. Yeah, that's where the arrow is. And</p> <p>15 this is like on the bottom side of that great</p> <p>16 big pulley, the shiv, and the wire rope will --</p> <p>17 when it's on the top side, the wire rope will</p> <p>18 run in these grooves.</p> <p>19 Q. Okay.</p> <p>20 A. And so this indicates that there's</p> <p>21 wear in that shiv.</p> <p>22 Q. M5 is related to the motor brake,</p> <p>23 correct, and same with M6?</p> <p>24 A. Correct.</p> <p>25 Q. On the M8, picture taken from west</p>
<p style="text-align: right;">Page 150</p> <p>1 that is shown as blocked, WT 5 by 56. That is</p> <p>2 a T section, and we show that we had to remove</p> <p>3 1.035 inches off that T section to have it fit.</p> <p>4 You can see that the majority of the T section</p> <p>5 is still in there too.</p> <p>6 So that somewhat reduces the strength of</p> <p>7 the T section but doesn't, you know, completely</p> <p>8 reduce the capacity of that T.</p> <p>9 BY MR. ROMAN:</p> <p>10 Q. Okay. Photo M2 on the next page of</p> <p>11 Exhibit 7, southwest inboard trunnion bearing</p> <p>12 with significant scoring, do you know when this</p> <p>13 photograph was taken?</p> <p>14 A. It should have been taken during that</p> <p>15 June 4th and 5th inspection.</p> <p>16 Q. What is scoring?</p> <p>17 A. You see the -- the -- this should be</p> <p>18 a mirror finish, and so the lines you see on</p> <p>19 there are what's considered scoring, and if a</p> <p>20 piece of grit or sand or something gets in</p> <p>21 there or the lubricant breaks down, it will</p> <p>22 score these vertical lines.</p> <p>23 Just sort of to give you an orientation,</p> <p>24 this is the end bearing of the shaft and the</p> <p>25 shaft will rotate sort of going in and out of</p>	<p style="text-align: right;">Page 152</p> <p>1 tower adjacent to the lift span in the fully</p> <p>2 raised position. The safety line was too loose</p> <p>3 to be safely used. What is that safety -- I</p> <p>4 mean how do you use that safety line?</p> <p>5 A. The -- my understanding is that's the</p> <p>6 way to go from the -- I don't know exactly what</p> <p>7 that is used to -- for personnel to go from one</p> <p>8 location to the other, but it is a safety</p> <p>9 concern for personnel moving about the bridge</p> <p>10 doing the mechanical inspection. So it is</p> <p>11 something regarding mechanical inspection.</p> <p>12 It's a something regarding safe movement for</p> <p>13 like a tie-off point for folks doing mechanical</p> <p>14 inspections.</p> <p>15 Q. And was the loose safety line, do you</p> <p>16 know if it had any relation to the imbalance in</p> <p>17 the counterweights?</p> <p>18 A. I don't think so. I think a safety</p> <p>19 line would be generally fixed from one point to</p> <p>20 another, so you could put a fall protection</p> <p>21 harness or something like that. This is a</p> <p>22 worker safety item.</p> <p>23 Q. Okay.</p> <p>24 MR. ROMAN: We can go off for one</p> <p>25 second.</p>

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<p style="text-align: right;">Page 153</p> <p>1 (Off-the-record discussion). 2 BY MR. ROMAN: 3 Q. Mr. Swanson, do you recall having an 4 email exchange with Mr. Moss from the Belt 5 Line, I think it was in the last month or two, 6 regarding the safe load capacity of the Main 7 Line Bridge? 8 A. I may have, I don't -- don't 9 remember. I know that I -- in the last couple 10 of months I saw the load ratings, but I don't 11 remember having a email correspondence with him 12 with regard to it. 13 Q. Have you done any calculations or 14 been asked to perform any evaluation of what 15 the load capacities are for the Main Line 16 Bridge? 17 A. No, sir. 18 Q. Okay. And I think you said you 19 had -- at some point you had seen a reference 20 to load capacities, correct? 21 A. Yes. 22 Q. And what was the context of you 23 reviewing those capacities? 24 A. The -- I think there was some 25 question about how the load capacities were</p>	<p style="text-align: right;">Page 155</p> <p>1 load rating. 2 Q. You're talking about the two ends 3 that are separated by the vertical lift 4 portion? 5 A. No, if the -- on the plans, we 6 show -- the span itself, span four, you can -- 7 east end and west end, I'm looking at 3844. 8 It's sheet 25A. It's marked from the plans as 9 demolition at L3/U3 but it will work for this. 10 You can see that on the right-hand -- or 11 on my right hand that the numbers on the bottom 12 cord is shown as L0 through L4, and L is for 13 lower, U is for upper. Anyways, and then on 14 this end, this is marked as L3 prime, L2 prime, 15 L1 prime, L0 prime. 16 And the reason why that is, is one, 17 engineers are lazy, but two, there is symmetry 18 between these members over here and these 19 members over here. So even if we replaced 20 members over here that have a similar size as 21 members over here, these members over here will 22 still control. 23 Q. Meaning the non-replaced members 24 would control because they might be of lower 25 capacity, right?</p>
<p style="text-align: right;">Page 154</p> <p>1 calculated or something with regard to them. 2 Q. Do you have any understanding of what 3 the load capacities were on the Main Line 4 Bridge prior to the allision of June 15th, 5 2024? 6 A. No. 7 Q. How about as you sit here today, do 8 you have any understanding of what the current 9 load capacities are of the Main Line Bridge? 10 A. I do not have a complete knowledge of 11 it. I saw a spreadsheet produced by somebody 12 else of what the capacities are. 13 Q. To your knowledge are the load 14 capacities different in any manner from today 15 as compared to the -- or prior to the allision? 16 A. I doubt that they are different. 17 The -- what we replaced in the allision was all 18 basically one end of the bridge and so if -- 19 and you know, your load capacity is based on 20 whatever the weakest member is, and we only 21 sort of replaced -- and the bridges in the 22 middle, east and west it is basically 23 symmetrical. So we replaced stuff on the east 24 end of the bridge. The stuff on the west end 25 of the bridge would still be the controlling</p>	<p style="text-align: right;">Page 156</p> <p>1 A. Right. 2 Q. Okay. So the load capacity is, if 3 I'm interpreting correctly, determined by what 4 the weakest member of the structure is? 5 A. Right. 6 Q. Okay. Have you ever performed a 7 evaluation on any steel railroad bridge to 8 determine what the load capacity is? 9 A. Yes, quite a few. That was one of my 10 tasks at Norfolk Southern for the first 20 11 years of my career. 12 Q. What methodology do you use to make 13 that determination? 14 A. The -- well, let's see, how would I 15 explain it. There's a rating process. 16 Basically you figure out the capacity of that 17 particular steel member using the structural 18 characteristics, the shape of it and also the 19 strength of the material. And then you 20 determine loads in that member and somewhat, 21 you know, you -- you've got a total capacity of 22 the member. And the part of that capacity has 23 to be taken up by just the strength that member 24 needs to support the bridge, you know, the 25 bridge itself just standing there, what we call</p>

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<p style="text-align: right;">Page 157</p> <p>1 dead load.</p> <p>2 And then you subtract out the dead load</p> <p>3 and some other loads to find out how much live</p> <p>4 load capacity you have and you determine live</p> <p>5 load capacity from there.</p> <p>6 Q. And you've not done any type of data</p> <p>7 evaluation for the Main Line Bridge, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. Has anybody asked you to do such an</p> <p>10 evaluation?</p> <p>11 A. No, sir.</p> <p>12 Q. Do you plan on doing any evaluation</p> <p>13 prior to trial?</p> <p>14 A. No, sir.</p> <p>15 Q. All right. This will be 8.</p> <p>16 (Swanson Exhibit 8 marked</p> <p>17 for identification by the court reporter).</p> <p>18 BY MR. ROMAN:</p> <p>19 Q. Have you looked at Exhibit 8?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And do you recognize this?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Could you describe it for us, please.</p> <p>24 A. It is an estimated cost for gathering</p> <p>25 documentation and attending the depositions for</p>	<p style="text-align: right;">Page 159</p> <p>1 or whatever with like Travis Kimmins who's the</p> <p>2 other item on here -- other person on here.</p> <p>3 Q. How about the same for task two, the</p> <p>4 quality management?</p> <p>5 A. The -- that was for hours to make</p> <p>6 sure that the -- if we needed to, if our</p> <p>7 document gathering was done in a quality</p> <p>8 manner.</p> <p>9 Q. Task three, gathered documents, looks</p> <p>10 like a total of 72 hours for a total cost of</p> <p>11 18,624?</p> <p>12 A. Uh-huh.</p> <p>13 Q. This was an estimated -- this was an</p> <p>14 estimate, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Do you know how long it actually took</p> <p>17 you to do the document gathering?</p> <p>18 A. I don't remember exactly. It was</p> <p>19 less than 40 hours.</p> <p>20 Q. And then the deposition, 16 hours for</p> <p>21 the program manager, and the engineer five. Is</p> <p>22 that you?</p> <p>23 A. No, that's Travis.</p> <p>24 Q. So Travis for 32 hours and then total</p> <p>25 hours, 48 for \$12,288. That is the estimate?</p>
<p style="text-align: right;">Page 158</p> <p>1 as per the subpoena.</p> <p>2 Q. Is it fair to say this document,</p> <p>3 you're memorializing a discussion with Mr. Moss</p> <p>4 from the Belt Line in which the Belt Line has</p> <p>5 agreed to compensate H&H for services provided</p> <p>6 in relation to the deposition today?</p> <p>7 MR. SNOW: Object to form.</p> <p>8 THE WITNESS: These costs are for</p> <p>9 gathering documents and travel to and from the</p> <p>10 deposition.</p> <p>11 BY MR. ROMAN:</p> <p>12 Q. And if we look at the third page it</p> <p>13 looks like a spreadsheet. Is this a</p> <p>14 spreadsheet that you prepared?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. And what do these figures on</p> <p>17 the spreadsheet reflect?</p> <p>18 A. They reflect hours.</p> <p>19 Q. Okay. So if we look at task one,</p> <p>20 project management, eight total hours for a</p> <p>21 total cost of 2112, what are those entries</p> <p>22 reflecting?</p> <p>23 A. Just general costs for whatever</p> <p>24 project management that would be associated</p> <p>25 with getting the documents together, meetings</p>	<p style="text-align: right;">Page 160</p> <p>1 A. Yeah.</p> <p>2 Q. Okay. Have you submitted any invoice</p> <p>3 to the Belt Line yet for any costs that are</p> <p>4 reflected in this estimate sheet that we're</p> <p>5 looking at?</p> <p>6 A. No, we have not.</p> <p>7 Q. How many discussions have you had</p> <p>8 with Mr. Moss regarding this lawsuit?</p> <p>9 A. We've had a few, I think maybe two or</p> <p>10 three. I don't remember exactly.</p> <p>11 Q. Have you had any discussions about</p> <p>12 this lawsuit with anyone else from the Belt</p> <p>13 Line besides Mr. Moss?</p> <p>14 A. No.</p> <p>15 Q. Best as you recall, when were those</p> <p>16 two or three discussions you've had with</p> <p>17 Mr. Moss?</p> <p>18 A. I want to say, I don't know exactly</p> <p>19 the timeline but I think there was an offhand</p> <p>20 mention soon after this lawsuit was brought</p> <p>21 that there was going to be a lawsuit. And then</p> <p>22 when I received the deposition, talked to our</p> <p>23 legal folks and basically said, you know, we've</p> <p>24 got a -- try and capture our costs to gather</p> <p>25 information, and talked to Cannon after that</p>

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<p style="text-align: right;">Page 161</p> <p>1 saying, you know, we're going to have costs 2 associated with this, you know, in this as -- 3 as indicated in this email as per our 4 discussion. And that was to make sure that we 5 were going to receive compensation for H&H's 6 costs associated with this. 7 Q. Has Mr. Moss requested any particular 8 information from Hardesty & Hanover in relation 9 to the litigation? 10 A. No, I can't think of anything related 11 to the investigation, or the -- the -- 12 Q. Earlier we were talking a little bit 13 about he had requested at some point to speak 14 with Mr. Snow and his firm about a question 15 they had before deposition, right? 16 A. Yeah, I believe so. 17 Q. Was there any other conversations 18 such as that one where Mr. Moss came to you and 19 said hey, we're looking into this issue for the 20 case or we need this piece of information or 21 anything like that where you were involved? 22 A. Can't -- can't remember anything. 23 Q. Has Mr. Moss asked you to provide any 24 opinions on any topics related to this 25 litigation?</p>	<p style="text-align: right;">Page 163</p> <p>1 A. No. 2 Q. No being correct? 3 A. Correct, I -- 4 Q. Okay. If we look down, looks like 5 it's subparagraph five or next to one, Howard 6 Swanson, PE, that's you? 7 A. Yes. 8 Q. Okay. Occupation chief engineer, 9 rail and transit group and licensed 10 professional engineer with Hardesty & Hanover, 11 LLC? 12 A. That's correct. 13 Q. Is that accurate? 14 A. Yeah. 15 Q. It says field of expertise, railroad 16 bridge engineer, extensive experience on large 17 freight rail projects and bridge management in 18 compliance with the Federal Railway 19 Administration, may testify regarding movable 20 railroad bridges, the Main Line condition, 21 extent of damage, repair methodology, costs and 22 emergency repairs including rebuttal testimony 23 as appropriate. 24 Did I read that accurately? 25 A. Yes, sir.</p>
<p style="text-align: right;">Page 162</p> <p>1 A. I can't remember -- I can't remember 2 anything that he directly said was related to 3 this investigation or this lawsuit. 4 (Swanson Exhibit 9 marked 5 for identification by the court reporter). 6 THE WITNESS: (Witness reviews 7 document). 8 Q. Have you ever seen the document that 9 we've marked as Exhibit 9? 10 A. No, sir. 11 Q. And we see on -- looks like someone 12 didn't put page numbers on this, but on the 13 back side see it's dated June 4, 2025 signed by 14 Mr. W. Ryan Snow? 15 A. Okay. 16 Q. As far as you know, did you have any 17 discussions with either Mr. Moss, anyone from 18 the Belt Line or anyone from Mr. Snow's firm 19 regarding the information that is reflected in 20 the document marked as Exhibit 9? 21 A. I had a discussion this morning with 22 Mr. Snow that I probably would be on this list. 23 Q. Okay. But no discussions to your 24 understanding before the document was prepared 25 and served on the parties in the case?</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. All right. Has anyone asked you to 2 provide any opinions with regard to the topics 3 that are listed in that subparagraph? 4 A. Can you restate that question again? 5 Q. Yeah. So you see the part where it 6 says may testify regarding movable railroad 7 bridges, comma, the Main Line Bridge condition, 8 and then it goes on? 9 A. (Witness nods head affirmatively). 10 Q. Just so we're on the same page I 11 would consider movable railroad bridges as a 12 topic of your anticipated testimony. Is that 13 fair? 14 A. Right. 15 Q. Has anyone asked you to provide any 16 opinions to a reasonable degree of engineering 17 certainty with regards to movable railroad 18 bridges? 19 A. Well, I'd like to cut down that 20 statement a little bit more. My daily work is 21 providing opinions about movable railroad 22 bridges, so nobody from the Belt Line or 23 Mr. Snow's firm has asked me to provide any 24 information with regard to that subject. 25 Q. Okay. And then the same question</p>

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<p style="text-align: right;">Page 165</p> <p>1 with the Main Line Bridge condition, has anyone 2 asked you to provide an opinion on any aspect 3 of the Main Line Bridge condition? 4 A. No. 5 Q. Has anyone asked you to provide an 6 opinion on the extent of damage, the topic that 7 we're referencing here in Exhibit 9? 8 A. No. 9 Q. Has anyone asked you to provide any 10 opinions on repair methodology? 11 A. No. 12 Q. Has anyone asked you to provide any 13 opinions on costs? 14 A. No. Now, I'd sort of kind of like to 15 back up a little bit with regard to repair 16 methodology and emergency repairs. 17 As we were doing this, we shared opinions 18 back and forth with regard to that during the 19 work. 20 Q. Right. 21 A. But not anything with regard to this 22 lawsuit or anything of that sort. 23 Q. No situations for example where, you 24 know, Mr. Snow or someone else came to you and 25 said hey, can you let us know what you think</p>	<p style="text-align: right;">Page 167</p> <p>1 actually we have prepared two papers with 2 regard to this collision or allision and I'm 3 scheduled to present on it now. If I'm not 4 supposed to present or if I need to pull the 5 papers, we will pull the papers. 6 Q. I think I saw a reference in the 7 emails, at some point I think you spoke to a 8 conference, an AREMA conference. Do I have 9 that right? 10 A. We are planning to -- to AREMA 11 conference in September and scheduled for the 12 International Bridge Conference in July. 13 Q. You say we, who do you mean by we? 14 A. Charlie Graning and I are presenting 15 at the International Bridge Conference. We're 16 planning to present at the International Bridge 17 Conference, and Brian Sykes and myself are 18 planning to present at AREMA. 19 Q. And you said the AREMA is in 20 September? 21 A. AREMA is in September. 22 Q. When is the International Bridge 23 Conference? 24 A. July. 25 Q. So coming up soon?</p>
<p style="text-align: right;">Page 166</p> <p>1 about the repair methodology for the Main Line 2 Bridge if we go to do this or something like 3 that? 4 A. No. 5 Q. Has anyone asked you to provide any 6 opinions on the emergency repairs particularly 7 in relation to this lawsuit? 8 A. No. 9 Q. And how about rebuttal testimony, has 10 anyone asked you whether you will provide any 11 rebuttal testimony as appropriate? 12 A. Nobody has asked me if I would. 13 Q. Do you intend to author any reports 14 for this litigation? 15 A. Not for this litigation. 16 Q. Okay. 17 A. Define reports for this litigation. 18 Q. Any reports in your capacity as a 19 structural engineer containing opinions and 20 underlying facts in support of those opinions 21 and the methodology you used to come to those 22 opinions, any reports such as that? 23 A. In our sort of professional 24 organizations we have conferences, et cetera. 25 I have prepared a paper with regard to --</p>	<p style="text-align: right;">Page 168</p> <p>1 A. Yeah. 2 Q. You said you prepared papers related 3 to the bridge project? 4 A. Right, there's a -- both these have 5 a -- well, a call for papers and then there's 6 a -- I can't remember, what do they call a 7 group of papers for a conference? Anyways, 8 they provide a group of paper -- you know, you 9 submit a paper and then you present on that 10 paper. 11 Q. Are those papers and presentation 12 materials included in the thumb drive that 13 you've given us earlier? 14 A. Yes, sir. 15 MR. ROMAN: All right. I think 16 for now that's all I have. I'm just for the 17 record going to keep the deposition open 18 subject to whatever -- I think your disclosures 19 are due on the second, Ryan. In the event that 20 there are, you know, opinions or additional 21 materials that are disclosed on that date with 22 respect to Mr. Swanson, that we're going to 23 leave the deposition open for that. 24 MR. SNOW: Yeah, I can confirm 25 that he's not going to author an expert report.</p>

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1 MR. ROMAN: Okay.
2 MR. SNOW: Because he's not a
3 specially retained expert. He's identified to
4 the extent that the testimony talks about is
5 considered something in the realm of expert
6 testimony and that's why this is captioned
7 non-specially retained expert. So there will
8 not be an expert report.
9 MR. ROMAN: I understood there
10 won't be a report. But in the event, you know,
11 he gave us a disclosure with his opinion, we
12 want to retain our right to --
13 MR. SNOW: Understood.
14 Understood. You guys want to take a
15 five-minute break? I've got some followup.
16 MR. ROMAN: Yeah, yeah.
17 MR. SNOW: We'll go off the
18 record.
19 (Brief recess).
20 EXAMINATION
21 BY MR. SNOW:
22 Q. Mr. Swanson, we've obviously met
23 before. My name is Ryan Snow. I represent the
24 Norfolk & Portsmouth Belt Line Railroad Company
25 in this case. I have a few followup questions.

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1 I'll try not to sound scattered, but I'll go
2 from point to point and see if we can clean up
3 a few things that were gaps in my notes.
4 First one, if you could look at Exhibit 9,
5 which is the expert witness identification for
6 the Belt Line that you talked about at the end.
7 Do you see that?
8 A. Uh-huh.
9 Q. And if you'll flip to number five,
10 the entry for you under non-specially retained
11 experts, did you find that?
12 A. Yes.
13 Q. You were asked a few questions about
14 the field of expertise and the topics you may
15 testify regarding, which included movable
16 railroad bridges, the Main Line Bridge
17 condition, extent of damage, repair
18 methodology, costs and emergency repairs.
19 If asked to testify about your work on the
20 Main Line Bridge are you qualified to talk
21 about each of those topics identified on this
22 document?
23 A. Yes, sir.
24 Q. Okay. And that's based on your
25 background and your expertise and your

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1 education?
2 A. Yes, sir.
3 Q. You were also shown Exhibit 8, the
4 one right before that, about an email between
5 you and Cannon Moss, president of the Belt
6 Line, that had a spreadsheet attached to it
7 with an estimate from you of about \$37,000. Do
8 you recall that?
9 A. Yes.
10 Q. The Belt Line is not paying for your
11 time to testify today, correct?
12 A. That is correct.
13 Q. And they're not paying you for any
14 particular opinions in this case; is that
15 correct?
16 A. That is correct.
17 Q. In fact, notwithstanding what the
18 email might say, the Belt Line is compensating
19 you for your costs associated with gathering
20 documents to respond to a subpoena that Carver
21 issued, correct?
22 A. Correct.
23 Q. When you were hired for the repair
24 work after the June 15 allision, am I correct
25 in understanding that the rates used for

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1 Hardesty & Hanover on this project were
2 pre-negotiated rates with Norfolk Southern?
3 A. That is correct.
4 Q. And I understand that some companies
5 have emergency rates that might be higher than
6 their standard rates. Were the pre-negotiated
7 rates that were used with the Belt Line for
8 this repair project pre-negotiated emergency
9 rates or pre-negotiated standard rates?
10 A. Standard rates.
11 Q. A lot of the invoicing that we looked
12 at in Exhibit 6 was marked confidential so that
13 those rates that you all used in this case
14 would not be made public. Is that because
15 those rates are lower than H&H's market rates?
16 A. They very well could be. The
17 contract was a -- the contract with Norfolk
18 Southern is a three-year contract. And if I
19 remember correctly the contract ends this year
20 and so our rates were getting to be, you know,
21 lower than what they were -- well, what happens
22 is you set your rates based on where you think
23 your salary range will be and for that
24 three-year period. And so as you get closer to
25 the end of that rate, you know, period, you are

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<p style="text-align: right;">Page 173</p> <p>1 actually lose -- or not making as much money at 2 the end of that contract as you would at the 3 beginning because, you know, your salaries keep 4 going up but your rates remain the same. 5 Also, the rates are for a -- like they 6 showed ASCE class 6 or class 7 or whatever. 7 Those rates are for everybody in the company 8 with that job -- ASCE job title. So if you get 9 somebody who has more experience and is getting 10 paid a higher rate per hour for a project, 11 which we needed for this, you end up somewhat 12 not making as much profit because you've got a 13 fixed rate that you have used for an average 14 person in that job category and you've got the 15 more experienced folks in that job category 16 doing the work. And so you're kind of getting 17 a squeeze there. 18 Q. And that I take it would have worked 19 to the Belt Line's benefit in this situation? 20 A. Yes, sir. 21 Q. And do you know whether the rates 22 that Hardesty had with Norfolk Southern were 23 discounted versus whatever Hardesty's market 24 rates might be if any other company came up to 25 it?</p>	<p style="text-align: right;">Page 175</p> <p>1 Q. If you flip to the second page of 2 that, April 11th invoice package, it has the 3 summary for the billing period, March 8, 2025 4 through April 4, 2025. Do you see that? 5 A. Yes. 6 Q. And there's a spreadsheet table there 7 that has a number of columns. And one column 8 second to the left says contract amount and at 9 the bottom \$665,000. Is that the budgeted 10 amount for Hardesty's work on the repair 11 project? 12 A. Yes, sir. 13 Q. And then if you go to the right 14 there's another column called total to date. 15 And at the bottom there it says \$534,477.87. 16 A. Uh-huh. 17 Q. What does that reflect? 18 A. That reflects what was billed to 19 date. 20 Q. And this is the last invoice in the 21 group. Is this actually the final amount that 22 Hardesty is billing for this repair project? 23 A. Likely. There may be a very small 24 additional invoice, but my guess is this is the 25 last invoice with the time -- with, you know,</p>
<p style="text-align: right;">Page 174</p> <p>1 A. We -- for railroad clients -- and 2 this is a confidential conversation, is it? 3 Q. Yes. 4 A. Okay. For railroad clients we 5 probably -- we generally get about a 2.8 6 multiple just because railroads are, how should 7 I say, thrifty. And that is -- as I said 8 before multiple is how much you get above the 9 hourly rate of the employee -- and in this case 10 it's a group of employees -- but an hourly rate 11 of the employee. The multiple is what's for 12 benefits and profit. 13 A lot of -- well, generally we try and get 14 like a 3.05 or 3.1 multiple for most other 15 clients. And, you know, that varies between 16 municipal clients and, you know, various 17 government clients too. So it's a whole mixed 18 ball game, but railroads generally get a pretty 19 good rate. They also pay on time better than 20 some other clients so... 21 Q. Understood. If you look at Exhibit 6 22 and we'll take for example the last invoice in 23 Exhibit 6, which is April 11, 2025. It's Bates 24 labeled at the bottom NPBL 6546. 25 A. Yes, sir.</p>	<p style="text-align: right;">Page 176</p> <p>1 what's been done to this project. 2 Q. The final column says remaining 3 budget at the bottom it's a figure of 4 \$130,522.13. Does that mean that Hardesty 5 finished its work on this repair project 6 roughly \$130,000 under what it had budgeted? 7 A. Yes, sir. 8 Q. There was some discussion about the 9 steel used on the repair project, and you said 10 that you all used ASTM A709 grade 50 steel in 11 the repair project, correct? 12 A. That's correct. 13 Q. And that's versus the ASTM A7 steel 14 that was originally used? 15 A. That's correct. 16 Q. And I believe you said to get the A7 17 steel you'd have to special order that because 18 it's not a commonly available steel nowadays? 19 A. That's correct. 20 Q. Did the fact that Hardesty and PCL 21 used the newer grade of steel, did that 22 increase the load capacity of the entire bridge 23 in any way? 24 A. No, it probably did not. 25 Q. Okay. Did it make the whole bridge</p>

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<p style="text-align: right;">Page 177</p> <p>1 stronger in any way?</p> <p>2 A. Not -- not of any significant amount.</p> <p>3 Q. Okay. We went through -- in addition</p> <p>4 to the steel that got replaced we went through</p> <p>5 the contract plan that Hardesty had prepared.</p> <p>6 If you recall those you referred to them a</p> <p>7 couple of times in Exhibit 4. Do you remember</p> <p>8 that?</p> <p>9 A. (Witness nods head affirmatively).</p> <p>10 Q. You have to say yes.</p> <p>11 A. Yes, sorry. You can't hear my head</p> <p>12 shaking.</p> <p>13 Q. Exactly. And those drawings coupled</p> <p>14 with Exhibit 3, the emergency inspection</p> <p>15 report, showed the components that would be</p> <p>16 repaired or replaced as part of your design?</p> <p>17 A. Yes, sir.</p> <p>18 Q. To your knowledge were any of those</p> <p>19 components that were part of your repair design</p> <p>20 supposed to be imminently replaced anyway?</p> <p>21 A. None of them to our knowledge would</p> <p>22 have been imminently replaced.</p> <p>23 Q. And were all of the components for</p> <p>24 the repair in your design drawings integral to</p> <p>25 the bridge structure?</p>	<p style="text-align: right;">Page 179</p> <p>1 is aligned than what it was when it was</p> <p>2 originally built or before the allision. And</p> <p>3 those are the -- well, anyways.</p> <p>4 Q. Well, what -- what parts are not in</p> <p>5 as good a condition as they were before the</p> <p>6 allision?</p> <p>7 A. Well, the -- to splice in the bottom</p> <p>8 cord members, we -- there was one -- one splice</p> <p>9 there to begin with as it was originally built.</p> <p>10 And now to put in the piece that we put in,</p> <p>11 there's now two splices there where that piece</p> <p>12 is. And the -- from what I can tell -- well, I</p> <p>13 don't know for certain but my guess is that the</p> <p>14 splice was a little bit better aligned than</p> <p>15 what we were able to get two -- the single</p> <p>16 splices built was better aligned than what we</p> <p>17 were able to get the two splices aligned as</p> <p>18 with the new -- with the repaired bridge.</p> <p>19 Q. And when you say the repaired bridge</p> <p>20 is not aligned as well as pre-allision, what</p> <p>21 part of the bridge are you talking about?</p> <p>22 A. The bottom cord, which is the bottom</p> <p>23 structural piece along the -- from L1 prime to</p> <p>24 L4 prime, and that should have been straight as</p> <p>25 an arrow before the allision. And there's</p>
<p style="text-align: right;">Page 178</p> <p>1 A. Yes, except for that motor brake that</p> <p>2 we've talked about, the M drawings, that was</p> <p>3 not put on.</p> <p>4 Q. Correct. To your knowledge the motor</p> <p>5 brake has not been replaced?</p> <p>6 A. Right.</p> <p>7 Q. As we sit here today I take it the</p> <p>8 repair project is complete and trains are</p> <p>9 running over the bridge?</p> <p>10 A. Yes, sir.</p> <p>11 Q. In your view is the condition of the</p> <p>12 bridge as repaired as good as it was before the</p> <p>13 allision ever happened?</p> <p>14 A. That's a hard professional question</p> <p>15 to answer. Our goal with repair plans were to</p> <p>16 make the bridge as good as it was, you know,</p> <p>17 we're repairing this to make it as good as it</p> <p>18 was. There just, where we ran into certain</p> <p>19 things that we had trouble getting exactly back</p> <p>20 into the right alignment as -- as was</p> <p>21 originally -- or as originally designed so it</p> <p>22 should have the same strength as what it did</p> <p>23 originally.</p> <p>24 However, there are probably some items</p> <p>25 that are not as good in terms of how the bridge</p>	<p style="text-align: right;">Page 180</p> <p>1 still some, even after the repairs, there's</p> <p>2 still some deformation in it, some slightly out</p> <p>3 of alignment there.</p> <p>4 Q. Okay. And to describe that, you're</p> <p>5 referring to sheet 21 in the structural</p> <p>6 drawings on Exhibits 4?</p> <p>7 A. Yeah, it would be 3802.</p> <p>8 MR. ROMAN: Sorry, you said L1</p> <p>9 prime. Could you just give the section again?</p> <p>10 THE WITNESS: It is L1 prime to</p> <p>11 L4 prime, or L4 -- L1 prime to L4.</p> <p>12 BY MR. SNOW:</p> <p>13 Q. This is probably my last question.</p> <p>14 In the very beginning of the deposition you had</p> <p>15 talked about NPBL as a subsidiary of NS. Do</p> <p>16 you actually know the Belt Line's corporate</p> <p>17 structure?</p> <p>18 A. No, I do not know the Belt Line's</p> <p>19 corporate structure.</p> <p>20 Q. And I take it you also don't know the</p> <p>21 ownership structure of the Belt Line?</p> <p>22 A. No, I do not understand the ownership</p> <p>23 structure.</p> <p>24 MR. SNOW: Give me one minute to</p> <p>25 flip through, I think I'm finished. Yeah,</p>

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<p style="text-align: right;">Page 181</p> <p>1 that's all I have. Thank you, Mr. Swanson. 2 Mr. Jett, do you have any questions? 3 MR. JETT: I think y'all have 4 covered it all, thank you. 5 MR. HARDT: This is Ken Hardt. I 6 don't have any questions either. 7 MR. ROMAN: Couple of followups, 8 Mr. Swanson. 9 FURTHER EXAMINATION 10 BY MR. ROMAN: 11 Q. You took a look at the bridge kind of 12 way back in your time with Norfolk Southern, 13 right? 14 A. (Nods head). 15 Q. Did you do any type of inspection on 16 the bridge, you know, in the six months before 17 the allision? 18 A. No, sir. 19 Q. And do you have any understanding of 20 what the condition of the bridge was in the 21 year before the allision based on your personal 22 observation of the bridge? 23 A. No, sir. 24 Q. Did you ever look at that section of 25 the bridge that you identified, the L1 prime to</p>	<p style="text-align: right;">Page 183</p> <p>1 year, would you think it would make sense as an 2 engineer to replace the new steel structures, 3 members that had just been replaced as part of 4 the allision repairs? 5 MR. SNOW: Object to form. 6 THE WITNESS: The amount of steel 7 that would have to be replaced for -- to 8 replace the A7 steel in this would basically 9 amount to a total span replacement. It's -- 10 it's like the -- you know, if you're going to 11 do the temporary work that would be required to 12 replace the A7 steel in the structure, you 13 would have to have so much false work that it 14 almost would be easier to replace the whole 15 span. But that would be something that you 16 would have to plan out and plan to replace the 17 tower also at the same time. 18 So it's a -- it's a theoretical question 19 but it's impractical to do. 20 MR. ROMAN: Okay. All right. 21 Subject to our holding it up subject to further 22 disclosure of opinions, I think that's all I 23 have. 24 MR. SNOW: Okay. He will read 25 and sign.</p>
<p style="text-align: right;">Page 182</p> <p>1 L4 prior to the allision? 2 A. No, sir. 3 Q. Do you have any understanding of 4 whether that section of the bridge was 5 perfectly aligned I think as you referenced 6 prior to the allision? 7 A. No, sir. 8 Q. Okay. If the steel members of the 9 bridge that were not replaced as part of the 10 allision repairs, if the Belt Line wanted to 11 kind of re-haul the bridge and replace all 12 steel structures on the bridge as part of a 13 repair project, would you recommend that they 14 replace the new steel members that were 15 installed as part of the repairs from the 16 allision? 17 MR. SNOW: Object to form. 18 THE WITNESS: Can you restate 19 that question again? 20 BY MR. ROMAN: 21 Q. Sure. Let's say the Belt Line wants 22 to proceed with rehabbing the bridge in part 23 because the steel that's on it was the A7 grade 24 that was part of the original design in '58, 25 and they wanted to do that project in the next</p>	<p style="text-align: right;">Page 184</p> <p>1 THE COURT REPORTER: Anybody on 2 Zoom want a copy of the deposition? 3 MR. JETT: I'll take a condensed 4 transcript, please. 5 MR. HARDT: I'll have my partner 6 make that determination. It's his case and he 7 will let you know. 8 MR. SNOW: I will take electronic 9 only, and if I can get a rough that would be 10 great. 11 MR. ROMAN: I would like the same 12 order as Mr. Snow, E-tran only, please. 13 (Deposition concluded, 4:37 p.m.) 14 15 16 17 18 19 20 21 22 23 24 25</p>

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<p>1 ERRATA SHEET</p> <p>2</p> <p>3 Pursuant to Rule 30(e) of the Federal Rules of</p> <p>4 Civil Procedure and/or the Official Code of Georgia</p> <p>5 Annotated 9-11-30(e) any changes in form or</p> <p>6 substance which you desire to make to your</p> <p>7 deposition testimony shall be entered upon the</p> <p>8 deposition with a statement of the reasons given for</p> <p>9 making them.</p> <p>10 To assist you in making any such corrections,</p> <p>11 please use the form below. If supplemental or</p> <p>12 additional pages are necessary, please furnish same</p> <p>13 and attach them to this errata sheet.</p> <p>14</p> <p>15 - - -</p> <p>16</p> <p>17 I, the undersigned, HOWARD SWANSON,</p> <p>18 do hereby certify that I have read the foregoing</p> <p>19 deposition and that to the best of my knowledge</p> <p>20 said deposition is true and accurate (with the</p> <p>21 exception of the following corrections listed</p> <p>22 below).</p> <p>23 Page_____ Line_____ should read:_____</p> <p>24 Reason for change:_____</p> <p>25</p> <p>26 Page_____ Line_____ should read:_____</p> <p>27 Reason for change:_____</p> <p>28</p> <p>29 Page_____ Line_____ should read:_____</p> <p>30 Reason for change:_____</p> <p>31</p> <p>32 Page_____ Line_____ should read:_____</p> <p>33 Reason for change:_____</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> 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<p>966</p> <p>967</p> <p>968</p> <p>969</p> <p>970</p> <p>971</p> <p>972</p> <p>973</p> <p>974</p> <p>975</p> <p>976</p> <p>977</p> <p>978</p> <p>979</p> <p>980</p> <p>981</p> <p>982</p> <p>983</p> <p>984</p> <p>985</p> <p>986</p> <p>987</p> <p>988</p> <p>989</p> <p>990</p> <p>991</p> <p>992</p> <p>993</p> <p>994</p> <p>995</p> <p>996</p> <p>997</p> <p>998</p> <p>999</p> <p>1000</p>	<p>1 CERTIFICATE</p> <p>2</p> <p>3</p> <p>4 G E O R G I A :</p> <p>5 FULTON COUNTY:</p> <p>6</p> <p>7</p> <p>8 I hereby certify that the</p> <p>9 foregoing deposition was reported, as</p> <p>10 stated in the caption, and the questions</p> <p>11 and answers thereto were reduced to the</p> <p>12 written page under my direction; that the</p> <p>13 foregoing pages represent a true and</p> <p>14 correct transcript of the evidence</p> <p>15 given. I further certify that I am not in</p> <p>16 any way financially interested in the</p> <p>17 result of said case.</p> <p>18 Pursuant to Rules and Regulations</p> <p>19 of the Board of Court Reporting of the</p> <p>20 Judicial Council of Georgia, I make the</p> <p>21 following disclosure:</p> <p>22 I am a Georgia Certified Court</p> <p>23 Reporter. I am here as an independent</p> <p>24 contractor for Huseby, Inc.</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p> <p>51</p> <p>52</p> <p>53</p> <p>54</p> <p>55</p> <p>56</p> <p>57</p> <p>58</p> <p>59</p> <p>60</p> <p>61</p> <p>62</p> <p>63</p> <p>64</p> <p>65</p> <p>66</p> <p>67</p> <p>68</p> <p>69</p> <p>70</p> <p>71</p> <p>72</p> <p>73</p> <p>74</p> <p>75</p> <p>76</p> <p>77</p> <p>78</p> <p>79</p> <p>80</p> <p>81</p> <p>82</p> <p>83</p> <p>84</p> <p>85</p> <p>86</p> <p>87</p> <p>88</p> <p>89</p> <p>90</p> <p>91</p> <p>92</p> <p>93</p> <p>94</p> <p>95</p> <p>96</p> <p>97</p> <p>98</p> <p>99</p> <p>100</p> <p>101</p> <p>102</p> <p>103</p> <p>104</p> <p>105</p> <p>106</p> <p>107</p> <p>108</p> <p>109</p> <p>110</p> <p>111</p> <p>112</p> <p>113</p> <p>114</p> <p>115</p> 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